

Title 356 WAC

PERSONNEL, DEPARTMENT OF (GENERAL GOVERNMENT)

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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 356-04 GENERAL PROVISIONS

356-04-001	Preamble statement of policy. [Preamble, filed 5/26/66; M.S.R. preamble, filed 3/21/61; 3/24/60.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-001.
356-04-010	Definitions. [Order 34, § 356-04-010, filed 5/13/71, effective 6/13/71; Order 30, § 356-04-010, filed 2/11/71, effective 3/9/71; Order 3 (part), § 356-04-010, filed 5/1/68, effective 6/1/68; M.S.R. 356.04.010, filed 5/26/66; Subsection 35 through 45 added by filing of 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-010.
356-04-020	Exemptions—Positions—Agencies. [Order 21, § 356-04-020, filed 3/9/70, effective 4/9/70; M.S.R. 356.04.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-020.
356-04-030	Personnel services—Grant in aid. [M.S.R. 356.04.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-04-040	Personnel services—Governmental agencies. [M.S.R. 356.04.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-030.
356-04-050	Classified services—Redefined. [M.S.R. 356.04.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-040.
356-04-060	Competitive service—Redefined. [M.S.R. 356.04.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-040.
356-04-070	Noncompetitive service—Redefined. [M.S.R. 356.04.070, filed 5/26/66.] Repealed by Order 36, filed

356-04-080	7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-040.
356-04-090	Exempt services—Redefined. [M.S.R. 356.04.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-050.
356-04-100	Personnel board—Composition—Appointment. [M.S.R. 356.04.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-060.
356-04-110	Personnel board—Procedure—Quorum. [M.S.R. 356.04.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-070.
356-04-120	Personnel board—Powers—Duties. [Order 12, § 356-04-110, filed 4/3/69; M.S.R. 356.04.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-080.
356-04-130	Director—Appointment—Removal. [M.S.R. 356.04.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-090.
356-04-140	Director—Powers—Duties. [M.S.R. 356.04.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-06-100.
	Agency personnel officers—Appointment—Powers, duties. [M.S.R. 356.04.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

Chapter 356-08 CLASSIFICATIONS

356-08-010	Classification plans—Preparation. [M.S.R. 356.08.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-010.
356-08-020	Classification plans—Adoption. [M.S.R. 356.08.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-020.
356-08-030	Classification plans—Revision. [M.S.R. 356.08.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-030.
356-08-040	Positions—Allocation. [M.S.R. 356.08.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-030.
356-08-050	Positions—Reallocation. [Order 3 (part), § 356-08-050, filed 5/1/68, effective 6/1/68; M.S.R. 356.08.050, filed 5/26/66, subsections (2) and (3) filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-030.
356-08-060	Positions—Reallocation downward, permanent employees. [Order 8, § 356-08-060, filed 8/30/68, effective 10/1/68; M.S.R. 356.08.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-040.
356-08-070	Positions—Reallocation downward, temporary employees. [M.S.R. 356.08.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-080	Positions—Reallocation upward—Incumbents. [Order 5, § 356-08-080, filed 6/4/68; Order 3 (part), § 356-08-080, filed 5/1/68, effective 6/1/68; M.S.R. 356.08.080, filed 5/31/66; M.S.R. 356.08.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-050.
356-08-084	Classes—Adjustment upward, incumbents. [M.S.R. 356.08.084, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-150.
356-08-090	Allocation—Appeals. [Order 2, § 356-08-090, filed 3/1/68, effective 4/1/68; M.S.R. 356.08.090, filed

	5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-060.	356-08-153	Salary—Compensatory time. [M.S.R. 356.08.153, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-260.
356-08-100	Comprehensive classification plans—Implementation. [M.S.R. 356.08.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.	356-08-154	Salary—Maximum—Overtime accumulation. [M.S.R. 356.08.154, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-250.
356-08-110	Compensation plan—Preparation. [M.S.R. 356.08.110, filed 5/31/66; M.S.R. 356.08.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-010.	356-08-155	Salary—Overtime—Liquidation. [Order (part), filed 8/8/66; M.S.R. 356.08.155, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-260.
356-08-115	Compensation plan—Basis and provisions. [M.S.R. 356.08.115, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-010.	356-08-156	Salary—Overtime payment on separation from job. [M.S.R. 356.08.156, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-270.
356-08-120	Compensation plan—Adoption. [M.S.R. 356.08.120, filed 5/31/66; M.S.R. 356.08.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-020.	356-08-157	Salary—Overtime computation. [M.S.R. 356.08.157, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-121	Compensation plan—Approval by state budget director. [M.S.R. 356.08.121, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-030.	356-08-158	Salary—Overtime, effect on retirement, increment, promotion. [M.S.R. 356.08.158, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-240.
356-08-130	Salary—Limits. [Order 20, § 356-08-130, filed 2/9/70; M.S.R. 356.08.130, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-070.	356-08-170	Salary—Per diem reimbursement excluded. [M.S.R. 356.08.170, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-131	Salary—Entrance. [M.S.R. 356.08.131, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-080.	356-08-180	Compensation plan—Periodic review. [M.S.R. 356.08.180, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-040.
356-08-132	Salary—Appointments above minimum. [M.S.R. 356.08.132, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-100.	356-08-181	Compensation plan—Reporting periodic recommendations. [M.S.R. 356.08.181, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-050.
356-08-133	Salary—Increment increases. [M.S.R. 356.08.133, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.	356-08-185	Compensation plan—Additional wage surveys. [M.S.R. 356.08.185, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-060.
356-08-134	Salary—Periodic increase date—Original. [M.S.R. 356.08.134, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-110.	<p style="text-align: center;">Chapter 356-12 WAGES AND REGULATIONS</p>	
356-08-135	Salary—Periodic increase date—Promotion. [Order 1, § 356-08-135, filed 1/31/68, effective 3/1/68; M.S.R. 356.08.135, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-120.	356-12-010	Office hours—Established—Variances. [M.S.R. 356.12.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-010.
356-08-136	Salary—Concurrence of promotion and periodic increase date. [M.S.R. 356.08.136, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-130.	356-12-020	Sick leave—Pay—Computation—Rules. [Order, § 356.12.020, filed 1/4/67; Order (part), § 356.12.020, filed 8/8/66; M.S.R. 356.12.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-050, 356-18-060.
356-08-137	Salary—Concurrence of probation, trial service period and periodic increase date. [M.S.R. 356.08.137, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-130.	356-12-021	Sick leave—Reporting. [Order (part), § 356.12.021, filed 1/4/67; Order (part), § 356-12-020, filed 8/8/66; M.S.R. 356.12.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-070.
356-08-138	Salary—Existing periodic increase dates. [M.S.R. 356.08.138, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.	356-12-022	Sick leave—Adjustment for workmen's compensation. [Order (part), § 356.12.022, filed 1/4/67.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-080.
356-08-139	Salary—Increase on promotion. [Order, § 356-08-139, filed 5/31/67; M.S.R. 356.08.139, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-140.	356-12-030	Sick leave—Part-time—Seasonal employees. [Order (part), § 356.12.030, filed 8/8/66; M.S.R. 356.12.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-210.
356-08-140	Salary—Part-time services—Computation. [M.S.R. 356.08.140, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-190.	356-12-040	Sick leave—Cumulative—Limitations. [M.S.R. 356.12.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-050.
356-08-141	Salary—Transfers between agencies—How computed. [M.S.R. 356.08.141, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-200.	356-12-050	Sick leave—Injury—Infectious disease—Exemptions permitted. [M.S.R. 356.12.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-145	Salary—Accrued leave—Transfer—Effect. [M.S.R. 356.08.145, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-210.	356-12-060	Annual leave—Pay—Computation—Rules. [M.S.R. 356.12.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-090.
356-08-150	Salary—Overtime records. [M.S.R. 356.08.150, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-220.	356-12-070	Annual leave—Increase—Computation—How made. [Order 30, § 356-12-070, filed 2/11/71, effective 3/9/71; M.S.R. 356.12.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-100.
356-08-151	Salary—Duplicate payment prohibited. [M.S.R. 356.08.151, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-230.	356-12-080	Annual leave—Six months limitation. [M.S.R. 356.12.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
356-08-152	Salary—Overtime compensation method. [M.S.R. 356.08.152, filed 5/31/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-240.	356-12-090	Annual leave—Cumulative—Limitation. [M.S.R. 356.12.090, filed 5/26/66.] Repealed by Order 36, filed

- 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-090.
- 356-12-100 Annual leave—Sick leave—Pay—Compensation. [Order 28, § 356-12-100, filed 12/22/70; Order 24, § 356-12-100, filed 8/11/70, effective 9/11/70; Order (part), § 356.12.100, filed 1/4/67; M.S.R. 356.12.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-060, 356-18-100, 356-18-110.
- 356-12-110 Leave—Civil duties—Limitations. [M.S.R. 356.12.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-120.
- 356-12-120 Leave—Military—Pay—Limitations. [M.S.R. 356.12.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-130.
- 356-12-130 Leave—Without pay—When permitted. [Order 3 (part), § 356-12-130, filed 5/1/68; M.S.R. 356.12.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-140.
- 356-12-140 Leave—Exceptions to limitations. [Order 27, § 356-12-140, filed 11/17/70; M.S.R. 356.12.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-140.
- 356-12-150 Leave—Military—Reemployment rules. [M.S.R. 356.12.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-160.
- 356-12-160 Leave—Reemployment—Generally—Rules—Hospitalization. [M.S.R. 356.12.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-160.
- 356-12-170 Leave—Reemployment—Government service—Rules. [Order 3 (part), § 356-12-170, filed 5/1/68; M.S.R. 356.12.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-170.
- 356-12-180 Leave—Prohibitions—Exceptions. [M.S.R. 356.12.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-140.
- 356-12-190 Leave—Maternity—Provision. [Order 26, § 356-12-190, filed 11/10/70; Order (part), § 356.12.190, filed 1/4/67; M.S.R. 356.12.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-150.
- 356-12-200 Leave—Extended—Anniversary date—Effect—Exceptions. [Order 30, § 356-12-200, filed 2/11/71, effective 3/9/71; Order 27, § 356-12-200, filed 11/17/70; Order 3 (part), § 356-12-200, filed 5/1/68; Order, § 356.12.200, filed 8/23/67; M.S.R. 356.12.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-220.
- 356-12-210 Leave—Returning employees—Status—Rules. [M.S.R. 356.12.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-180.
- 356-12-220 Leave—Appointments to positions during absence—Conditions—Rules. [M.S.R. 356.12.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-190.
- 356-12-230 Leave—Absence—Unauthorized—Effect. [M.S.R. 356.12.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-200.
- 356-12-240 Leave—Credits—Cancellation—How computed. [M.S.R. 356.12.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-12-350 Holidays—Listed. [Order 32, § 356-12-350, filed 2/11/71, effective 3/9/71; Order § 356.12.350, filed 10/27/67; M.S.R. 356.12.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-020.
- 356-12-360 Holidays—Rules, regulations governing. [Order 25, § 356-12-360, filed 10/16/70; M.S.R. 356.12.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-030.
- 356-12-370 Holidays—Employees on leave without pay—Rule. [M.S.R. 356.12.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-040.
- 356-12-380 Holidays—Temporary, part-time employees—Rules. [M.S.R. 356.12.380, filed 5/26/66.] Repealed by Order

36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-18-030.

Chapter 356-16 EXAMINATIONS

- 356-16-010 Examinations—Notices—Recruitment—Generally. [M.S.R. 356.16.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-010.
- 356-16-020 Recruitment—Time periods—Requirements. [Order 19, § 356-16-020, filed 1/13/70, effective 2/13/70.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-020.
- 356-16-030 Recruitment—Definite time—Notice requirements. [M.S.R. 356.16.030, filed 5/26/66.] Repealed by Order 19, filed 1/13/70, effective 2/13/70.
- 356-16-040 Recruitment—Inter-agency—Notice requirements. [M.S.R. 356.16.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-030.
- 356-16-050 Recruitment—Intra-agency—Notice requirements. [M.S.R. 356.16.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-030.
- 356-16-060 Recruitment—Other governmental agencies—Notice requirements. [M.S.R. 356.16.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-070 Applications—Contents. [M.S.R. 356.16.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-040.
- 356-16-080 Applications—Religious, political affiliation, race—Solicitation restricted. [Order 25, § 356-16-080, filed 10/16/70; M.S.R. 356.16.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-040.
- 356-16-090 Applications—Noncitizen—Rules, regulations. [M.S.R. 356.16.090, filed 5/26/66.] Repealed by Order 11, filed 3/3/69.
- 356-16-100 Applications—Residence and citizenship requirements—Notice. [Order 11, § 356-16-100, filed 3/3/69; M.S.R. 356-16-100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-050.
- 356-16-110 Applications—Filing—Time limit. [M.S.R. 356.16.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-060.
- 356-16-120 Applications—Disqualification—Grounds, listed. [M.S.R. 356.16.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-070.
- 356-16-130 Applications—Disqualification—Notice requirements. [M.S.R. 356.16.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-080.
- 356-16-140 Applications—Investigation of—Effect. [M.S.R. 356.16.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-200.
- 356-16-150 Examinations—How, when held—General rules. [M.S.R. 356.16.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-100.
- 356-16-160 Examinations—Prohibition on identity—Exception. [M.S.R. 356.16.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-16-170 Examinations—Reexamination—Procedure—Requirements. [M.S.R. 356.16.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-140.
- 356-16-175 Examinations—Classes previously held—Questions—How resolved. [Order 30, § 356-16-175, filed 2/11/71, effective 3/9/71.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-10-030.
- 356-16-180 Examinations—General rules. [M.S.R. 356.16.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-090.
- 356-16-190 Examinations—How determined—Method. [M.S.R. 356.16.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-090.

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356-16-200 Examinations—Ratings—How computed. [M.S.R. 356.16.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-160.

356-16-210 Examinations—Results—Notice requirements. [M.S.R. 356.16.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-170.

356-16-220 Examinations—Oral—How conducted. [M.S.R. 356.16.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-180.

356-16-230 Examinations—Special—When permitted. [M.S.R. 356.16.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-150.

356-16-240 Examinations—Physical—When required. [M.S.R. 356.16.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-190.

356-16-250 Examinations—Records—How kept. [M.S.R. 356.16.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-210.

356-16-260 Examinations—Veterans preference—Eligibility periods—Percentage allowance. [Order 17, § 356-16-260, filed 9/17/69, effective 10/17/69; M.S.R. 356.16.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-220.

356-16-270 Examinations—Noncompetitive—How scheduled. [M.S.R. 356.16.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-16-280 Examinations—Noncompetitive—Register—How maintained. [M.S.R. 356.16.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-230.

356-16-290 Examinations—Noncompetitive—Appointments—How made. [Order 30, § 356-16-290, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-020.

356-16-300 Examinations—Noncompetitive—Applicability of rules. [M.S.R. 356.16.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-16-310 Examinations—Grade records—Duration of maintenance. [Order 30, § 356-16-310, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-240.

356-16-320 Registers—Generally. [M.S.R. 356.16.320, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-010.

356-16-330 Registers—Departmental reduction in force—Duration. [Order 30, § 356-16-330, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-340 Registers—Classified service-wide—Reduction in force—Duration. [Order 30, § 356-16-340, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-350 Registers—Intra-departmental promotion—Duration. [Order 30, § 356-16-350, filed 2/11/71, effective 3/9/71; Order 6, § 356-16-350, filed 6/28/68, effective 8/1/68; M.S.R. 356.16.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-360 Registers—Inter-departmental promotion—Duration. [Order 30, § 356-16-360, filed 2/11/71, effective 3/9/71; Order 6, § 356-16-360, filed 6/28/68, effective 8/1/68; M.S.R. 356.16.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-370 Registers—Departmental unranked reinstatement—Duration. [M.S.R. 356.16.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-380 Registers—Classified service-wide unranked reinstatement—Duration. [M.S.R. 356.16.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-390 Registers—Unranked transfer—Duration. [M.S.R. 356.16.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-400 Registers—Open-competitive—Duration. [M.S.R. 356.16.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-030.

356-16-410 Registers—Name removal for cause—Grounds enumerated—Requirements. [Order 30, § 356-16-410, filed 2/11/71, effective 3/9/71; M.S.R. 356.16.410, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-040.

Chapter 356-20 APPOINTMENTS

356-20-010 Certification—Requests for—Generally. [M.S.R. 356.20.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-050.

356-20-020 Certification—General methods—Exceptions. [Order 1 (part), § 356-20-020, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-060.

356-20-030 Certification—Registers—Order of rank—Exception. [Order 30, § 356-20-030, filed 2/11/71, effective 3/9/71; Order 1 (part), § 356-20-030, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-070.

356-20-040 Certification—Exhausted registers—Procedure—Exception. [M.S.R. 356.20.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-080.

356-20-044 Certification—Exhausted or incomplete registers—Underfill. [Order 3, § 356-20-044, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-090.

356-20-050 Certification—Local areas—How, when permitted. [M.S.R. 356.20.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-100.

356-20-060 Certification—When not necessary. [M.S.R. 356.20.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-070 Certification—Actions required—By whom—Procedure. [M.S.R. 356.20.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-110.

356-20-080 Certification—Erroneous reports—Directors authority to revoke. [M.S.R. 356.20.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-120.

356-20-090 Certification—Selective—When permitted. [Order 23, § 356-20-090, filed 7/13/70, effective 8/15/70; M.S.R. 356.20.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-26-130.

356-20-100 Appointments—Original—General provisions. [M.S.R. 356.20.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-105 Appointments—Original—Prohibition of discrimination—Exceptions. [Order 18, § 356-20-105, filed 12/9/69, effective 1/9/70.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-010.

356-20-110 Appointments—Original—Appointing authority—Right to examine records, applicant. [M.S.R. 356.20.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-120 Appointments—Original—Declination by eligible—Effect. [M.S.R. 356.20.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-130 Appointments—Provisional—General provisions. [M.S.R. 356.20.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-20-140 Appointments—Provisional—Directors duty to recruit. [M.S.R. 356.20.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-020.

356-20-150 Appointments—Provisional—Limitations—Prohibitions. [M.S.R. 356.20.150, filed 5/26/66.] Repealed by

Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-030.

- 356-20-160 Appointments—Provisional—Employees taking same—Effect. [M.S.R. 356.20.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-040.
- 356-20-170 Appointments—Emergency—How made—Status. [M.S.R. 356.20.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-050.
- 356-20-180 Appointments—In-training—How made—Status. [M.S.R. 356.20.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-184 Appointments—Underfill. [Order 3, § 356-20-184, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-060.
- 356-20-190 Appointments—Temporary, part-time. [M.S.R. 356.20.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-194 Appointments—Acting. [Order 3, § 356-20-194, filed 5/1/68, effective 6/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-070.
- 356-20-200 Appointments—Interim. [M.S.R. 356.20.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-210 Probation, trial service period—Distinguished. [M.S.R. 356.20.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-220 Probation period—Six months provisions—Status of employee. [Order 30, § 356-20-220, filed 2/11/71, effective 3/9/71; M.S.R. 356.20.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-260.
- 356-20-230 Probation period—Counseling, training, during interim. [M.S.R. 356.20.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-240 Probation period—Dismissal—Notice requirements—Rights acquired. [M.S.R. 356.20.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-270.
- 356-20-250 Probation period—Transfer—Intra-departmental appointment to higher class. [Order 30, § 356-20-250, filed 2/11/71, effective 3/9/71; M.S.R. 356.20.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-280.
- 356-20-260 Trial service—General provisions—Status on reversion. [M.S.R. 356.20.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-320.
- 356-20-270 Trial service—Counseling, training during interim. [M.S.R. 356.20.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-310.
- 356-20-280 Trial service—Promotion—Reversion status. [Order 1 (part), § 356-20-280, filed 1/31/68, effective 3/1/68; M.S.R. 356.20.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-285 Trial service—Appointment from reduction in force registers—Status. [Order 32, § 356-20-285, filed 3/8/71, effective 4/8/71.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-290 Training programs—Generally duty of director to promulgate. [M.S.R. 356.20.290, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. Later promulgation, see WAC 356-36-020(3). Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-300 Training programs—Probationary, trial service—Availability. [M.S.R. 356.20.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-20-310 Training programs—When conducted—Allowances in compensatory time. [M.S.R. 356.20.310, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-36-180.
- 356-20-320 Training programs—Credit for completion—Effect. [M.S.R. 356.20.320, filed 5/26/66.] Repealed and readopted by Order 27, filed 11/17/70. Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-36-190.

Chapter 356-24 PROMOTIONS—DEMOTIONS—TRANSFERS

- 356-24-010 Promotion—Statement of policy. [M.S.R. 356.24.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-150.
- 356-24-020 Promotion—Examination—Rules—Regulations. [Order 30, § 356-24-020, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-024 Promotion—Examinations—Minimum qualifications waived or modified. [Order 3 (part), § 356-24-024, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-22-130.
- 356-24-030 Promotion—Registers—How maintained. [M.S.R. 356.24.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-040 Promotion—Probationary employees—Restrictions—Exceptions. [M.S.R. 356.24.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-160.
- 356-24-050 Promotion—Trial service period requirements—Reversion—Status. [M.S.R. 356.24.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-054 Promotion—Underfill. [Order 3 (part), § 356-24-054, filed 5/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-170.
- 356-24-060 Promotion—Transfers not to be considered. [M.S.R. 356.24.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-24-070 Transfer—Domiciliary movement—Requirements. [M.S.R. 356.24.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-180.
- 356-24-080 Transfer—Within class—Agency—Permitted—Report. [Order 30, § 356-24-080, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-190.
- 356-24-090 Transfer—Between classes—Restrictions. [M.S.R. 356.24.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-200.
- 356-24-100 Transfer—Between agencies—Restrictions. [Order 30, § 356-24-100, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-210.
- 356-24-110 Reinstatements—Rules—Regulations status. [M.S.R. 356.24.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-220.
- 356-24-120 Demotion—Voluntary—Generally. [Order 30, § 356-24-120, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-230.
- 356-24-130 Demotion—Voluntary—Same—Requirements. [M.S.R. 356.24.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-230.
- 356-24-140 Demotion—Voluntary—Same—Permanent employee—Status. [M.S.R. 356.24.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-230.
- 356-24-150 Demotion—Voluntary—Salary—Method of computation. [M.S.R. 356.24.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-160.
- 356-24-160 Demotion—Voluntary—Subsequent elevation—Rules, requirements. [M.S.R. 356.24.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-14-170, 356-30-240.
- 356-24-170 Noncitizen employees—Status—Dismissal, demotion—Grounds—Exceptions. [M.S.R. 356.24.170, filed 5/26/66.] Repealed by Order 11, filed 3/3/69.
- 356-24-180 Voluntary resignations—Requirements—Rules. [M.S.R. 356.24.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-250.
- 356-24-190 Service ratings—How computed—Effect. [M.S.R. 356.24.190, filed 5/26/66.] Repealed by Order 10, filed 1/2/69.

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356-24-191 Performance evaluation—Planning—Procedure—Requirements. [Order 10, § 356-24-191, filed 1/2/69.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-300.

356-24-200 Intermittent employment—Rules—Regulations. [Order 9, § 356-24-200, filed 10/29/68, effective 12/1/68; Order, filed 2/1/67; M.S.R. 356.24.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-140.

356-24-210 Temporary employment—Defined—Exception. [M.S.R. 356.24.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-080.

356-24-220 Temporary employment—Appointment from register required—Exception. [M.S.R. 356.24.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-230 Temporary employment—Reappointment prohibited—Exceptions. [M.S.R. 356.24.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-080.

356-24-240 Temporary employment—Status—Transfers—Requirements. [M.S.R. 356.24.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-080.

356-24-250 Temporary employment—Retention on permanent register—Requirements. [M.S.R. 356.24.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-260 Temporary employment—Voluntary demotion—Requirements. [M.S.R. 356.24.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-270 Temporary employment—Separation—Notice requirements. [M.S.R. 356.24.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-100.

356-24-280 Temporary employment—Permanent employees—Status. [M.S.R. 356.24.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-090.

356-24-290 Seasonal employment. [M.S.R. 356.24.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-130.

356-24-300 Part-time employment—Hiring procedure. [M.S.R. 356.24.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-310 Part-time employment—Rights acquired. [Order 9, § 356-24-310, filed 10/29/68, effective 12/1/68; M.S.R. 356.24.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-120.

356-24-320 Part-time employment—Limitation on movement status. [M.S.R. 356.24.320, filed 5/26/66.] Repealed by Order 9, filed 10/29/68, effective 12/1/68.]

356-24-330 Demotion—Suspension—Dismissal—Grounds for enumerated—Cause. [M.S.R. 356.24.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-010.

356-24-340 Reduction in lieu of dismissal—Procedure. [M.S.R. 356.24.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-020.

356-24-350 Suspension—Grounds for—Election of term—Notice. [M.S.R. 356.24.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-030.

356-24-360 Dismissal—Grounds for—Notice requirements. [M.S.R. 356.24.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-24-370 Dismissal, suspension—Concurrently—Notice requirements. [M.S.R. 356.24.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-050.

356-24-380 A.W.O.L.—Presumption of abandonment—Notice. [M.S.R. 356.24.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-060.

356-24-390 Dismissal, demotion, suspension—Withdrawal of charges by appointing authority—Time limitation. [M.S.R. 356.24.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-070.

356-24-400 Reduction in force—Rules—Regulations—Procedure. [Order 34, filed 5/13/71, effective 6/13/71; Order 30, §

356-24-400, filed 2/11/71, effective 3/9/71; M.S.R. 356.24.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-30-330.

Chapter 356-28 APPEALS

356-28-010 Appeals—Generally. [M.S.R. 356.28.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-080.

356-28-020 Appeals—Applicants, eligibles, grounds for—Requirements. [M.S.R. 356.28.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-090.

356-28-030 Appeals—Terminated employee—Request for reemployment list—Status. [M.S.R. 356.28.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-250.

356-28-040 Appeals—How taken. [M.S.R. 356.28.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-080.

356-28-050 Appeals—Receipt of—Procedure. [M.S.R. 356.28.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-080.

356-28-060 Appeals—Hearings before the board—Rules. [M.S.R. 356.28.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-110.

356-28-070 Appearance and practice before the board—Who may appear. [M.S.R. 356.28.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-120.

356-28-080 Standards of ethical conduct. [M.S.R. 356.28.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-140.

356-28-090 Appearance by former officer or employee of the board. [M.S.R. 356.28.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-130.

356-28-100 Computation of time. [M.S.R. 356.28.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-150.

356-28-110 Notice and opportunity for hearing. [M.S.R. 356.28.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-110.

356-28-120 Service of process—By whom served. [M.S.R. 356.28.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-160.

356-28-130 Upon whom served. [M.S.R. 356.28.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-160.

356-28-140 Method of service. [M.S.R. 356.28.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-160.

356-28-150 When service complete. [M.S.R. 356.28.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-160.

356-28-160 Filing with board. [M.S.R. 356.28.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-170.

356-28-170 Subpoenas—Form. [M.S.R. 356.28.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-180.

356-28-180 Issuance to parties. [M.S.R. 356.28.180, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-180.

356-28-190 Service of subpoena. [M.S.R. 356.28.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-180.

356-28-200 Fees. [M.S.R. 356.28.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-190.

356-28-210 Proof of service. [M.S.R. 356.28.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-200.

356-28-220 Quashing. [M.S.R. 356.28.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-210.

356-28-230 Depositions—Right to take. [M.S.R. 356.28.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-240 Scope. [M.S.R. 356.28.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-250 Officer before whom taken. [M.S.R. 356.28.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-260 Authorization. [M.S.R. 356.28.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-270 Protection of parties and deponents. [M.S.R. 356.28.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-280 Oral examination and cross-examination. [M.S.R. 356.28.280, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-290 Recordation. [M.S.R. 356.28.290, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-300 Signing, attestation, and return. [M.S.R. 356.28.300, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-310 Use and effect. [M.S.R. 356.28.310, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-320 Fees of officers and deponents. [M.S.R. 356.28.320, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-330 Depositions upon interrogatories—Submission. [M.S.R. 356.28.330, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-340 Interrogation. [M.S.R. 356.28.340, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-350 Attestation and return. [M.S.R. 356.28.350, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-360 Provisions of deposition rule. [M.S.R. 356.28.360, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-370 Interrogatories to parties. [M.S.R. 356.28.370, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-380 Scope—Protection of parties. [M.S.R. 356.28.380, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-390 Discovery and production of documents and things for inspection, copying, or photographing. [M.S.R. 356.28.390, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-400 Protection of parties. [M.S.R. 356.28.400, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-410 Savings. [M.S.R. 356.28.410, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-420 Enforcement. [M.S.R. 356.28.420, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-430 Burden of proof. [M.S.R. 356.28.430, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-220.

356-28-440 Appeals—Findings of fact—Conclusions of law—Filing procedure. [M.S.R. 356.28.440, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-240.

356-28-450 Appeals—Restoration of rights. [M.S.R. 356.28.450, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-250.

356-28-460 Appeals—Correction of rating—Effect. [M.S.R. 356.28.460, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-260.

356-28-470 Appeals—Grounds for—To superior court. [M.S.R. 356.28.470, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-270.

356-28-480 Appeals—Grounds—Notice requirements. [M.S.R. 356.28.480, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-280.

356-28-490 Appeals—Hearings—Time limitations—Preparation of transcript—Costs. [M.S.R. 356.28.490, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-290.

356-28-500 Appeals—Court hearing—How record considered. [M.S.R. 356.28.500, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-300.

Chapter 356-32 MISCELLANEOUS

356-32-010 Membership in employee organizations. [Order 22, § 356-32-010, filed 4/7/70; Order 17, § 356-32-010, filed 9/17/69; Order 7, § 356-32-010, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.010, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-010.

356-32-015 Definitions. [Order 22, § 356-32-015, filed 4/7/70; Order 7, § 356-32-015, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.

356-32-020 Determination of bargaining unit. [Order 7, § 356-32-020, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.020, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-020.

365-32-030 Election and certification of exclusive representative. [Order 7, § 356-32-030, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.030, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-030.

356-32-040 Decertification. [Order 7, § 356-32-040, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.040, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-040.

356-32-050 Contents of written agreements. [Order 7, § 356-32-050, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.050, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-050.

356-32-051 Contents of written agreements—Unfair practices for management. [Order 17, § 356-32-051, filed 9/17/69; Order 7, § 356-32-051, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-060.

356-32-052 Contents of written agreements—Unfair practices for employee organizations. [Order 17, § 356-32-052, filed 9/17/69; Order 7, § 356-32-052, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-070.

356-32-053 Contents of written agreements—Unfair practice—Hearings. [Order 17, § 356-32-053, filed 9/17/69; Order 7, § 356-32-053, filed 7/31/68, effective 9/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-080.

356-32-060 Mediation. [Order 7, § 356-32-060, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.060, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-090.

356-32-070 Arbitration. [Order 7, § 356-32-070, filed 7/31/68, effective 9/1/68; M.S.R. 356.32.070, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-100.

356-32-080 Savings provisions—Applicability—Rule construed. [M.S.R. 356.32.080, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-42-110.

356-32-090 Agency hearings—Generally. [M.S.R. 356.32.090, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-100.

356-32-100 Agency hearings—Board, director—Summary of proceedings. [M.S.R. 356.32.100, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-100.

356-32-110 Agency hearings—Employees right to request—Exception. [M.S.R. 356.32.110, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-100.

356-32-120 Agency hearings—Use of for delay—Prohibited. [M.S.R. 356.32.120, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-34-100.

Title 356**Title 356 WAC: Personnel—General Government**

- 356-32-130 Hearings—Applicants—rights to be heard—Discretion of director. [M.S.R. 356.32.130, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-140 Political activity—Rules, regulations—Exceptions. [M.S.R. 356.32.140, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-010.
- 356-32-150 Discrimination—Prohibitions against. [M.S.R. 356.32.150, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-020.
- 356-32-160 Disclosure of political, religious, or other affiliations—Prohibited. [M.S.R. 356.32.160, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-030.
- 356-32-170 Conflict of employment—Prohibited. [M.S.R. 356.32.170, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-040.
- 356-32-180 Payrolls—Certification required. [M.S.R. 356.32.180, filed 5/26/66.] Repealed by Order 4, filed 5/31/68, effective 7/1/68. Later promulgation, see WAC 356-32-181.
- 356-32-181 Payroll certification. [Order 4, § 356-32-181, filed 5/31/68, effective 7/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-050.
- 356-32-190 Agencies—Personnel records—How kept. [M.S.R. 356.32.190, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-200 Agencies—Reports on employee status changes—Requirements. [Order 20, § 356-32-200, filed 2/9/70; Order 4, § 356-32-200, filed 5/31/68, effective 7/1/68; M.S.R. 356.32.200, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-070.
- 356-32-210 Agencies—Attendance and leave records—How kept. [M.S.R. 356.32.210, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-060.
- 356-32-214 Agencies—Position control—Requirements. [Order 3 (part), § 356-32-214, filed 5/1/68, effective 6/1/68.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-080.
- 356-32-220 Personnel records—Right of personnel board to inspect. [M.S.R. 356.32.220, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-060.
- 356-32-230 Personnel department—Availability of services to other state, federal agencies. [M.S.R. 356.32.230, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-090.
- 356-32-240 Rules—Amendments to—Regulations. [M.S.R. 356.32.240, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-100.
- 356-32-250 Words, phrases—Definitions—How determined. [M.S.R. 356.32.250, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71.
- 356-32-260 Severability. [M.S.R. 356.32.260, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-110.
- 356-32-270 Repeals—Savings. [M.S.R. 356.32.270, filed 5/26/66.] Repealed by Order 36, filed 7/1/71, effective 8/1/71. Later promulgation, see WAC 356-46-120.

Chapter 356-36**EMPLOYEE TRAINING—PURPOSE AND OBJECTIVES**

- 356-36-010 Employee training—Training general—Purpose and objectives. [Order 27, § 356-36-010, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-020 Employee training—Training—Responsibility. [Order 27, § 356-36-020, filed 11/17/70. Formerly WAC 356-20-290.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-030 Employee training—Agency organization for training. [Order 27, § 356-36-030, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-060 Employee training—Inservice training—Definition—Biennial plan. [Order 27, § 356-36-060, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.

- 356-36-070 Employee training—Outservice training—Definitions—Exclusions. [Order 27, § 356-36-070, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-080 Employee training—Outservice training—General. [Order 27, § 356-36-080, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-090 Employee training—Outservice training—Selection of employees. [Order 27, § 356-36-090, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-100 Employee training—Outservice training—Salary and related costs. [Order 27, § 356-36-100, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-110 Employee training—Outservice training—Employee contracts. [Order 27, § 356-36-110, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-120 Employee training—Outservice training—Uncompleted assignments. [Order 27, § 356-36-120, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-130 Employee training—Outservice training—Agency policy and plan. [Order 27, § 356-36-130, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-140 Employee training—Tuition reimbursement—Definition—Purpose. [Order 27, § 356-36-140, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-150 Employee training—Tuition reimbursement—Eligibility conditions of reimbursement. [Order 27, § 356-36-150, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-160 Employee training—Educational leave of absence—Condition. [Order 27, § 356-36-160, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-170 Employee training—Annual training reporting. [Order 27, § 356-36-170, filed 11/17/70.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-180 Employee training—Training—When conducted—Allowances in compensatory time. [Order 27, § 356-36-180, filed 11/17/70. Formerly WAC 356-20-310.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.
- 356-36-190 Employee training—Training—Credit for completion—Effect. [Order 27, § 356-36-190, filed 11/17/70. Formerly WAC 356-20-310.] Repealed by Order 43, filed 3/17/72. See chapter 356-38 WAC.

**Chapter 356-38
TRAINING**

- 356-38-010 Training general—Purpose and objectives. [Order 36, § 356-38-010, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-020 Training—Responsibility. [Order 36, § 356-38-020, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-030 Agency organization for training. [Order 36, § 356-38-030, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-040 In-service training—Definition—Biennial plan. [Order 36, § 356-38-040, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-050 Out-service training—Definitions—Exclusions. [Order 36, § 356-38-050, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-060 Out-service training—General. [Order 36, § 356-38-060, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-070 Out-service training—Selection of employees. [Order 36, § 356-38-070, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-080 Out-service training—Salary and related costs. [Order 36, § 356-38-080, filed 7/1/71, effective 8/1/71.]

- Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-090 Out-service training—Employee contracts. [Order 36, § 356-38-090, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-100 Out-service training—Uncompleted assignments. [Order 36, § 356-38-100, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-110 Out-service training—Agency policy and plan. [Order 36, § 356-38-110, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-120 Tuition reimbursement—Definition—Purpose. [Order 36, § 356-38-120, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-130 Tuition reimbursement—Eligibility conditions of reimbursement. [Order 93, § 356-38-130, filed 11/2/76; Permanent and Emergency Order 39, § 356-38-130, filed 9/15/71; Order 36, § 356-38-130, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-140 Educational leave of absence—Condition. [Order 71, § 356-38-140, filed 12/30/74; Order 36, § 356-38-140, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-150 Annual training reporting. [Order 36, § 356-38-150, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-160 Training—When conducted—Allowances in compensatory time. [Order 36, § 356-38-160, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- 356-38-170 Training—Credit for completion—Effect. [Order 36, § 356-38-170, filed 7/1/71, effective 8/1/71.] Repealed by 78-02-049 (Order 116), filed 1/19/78. Statutory Authority: RCW 41.06.150(17).
- Chapter 356-47**
CAREER EXECUTIVE PROGRAM
- 356-47-010 Career executive program—Purpose. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-010, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-010, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-020 Career executive program—Application of rules. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-020, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-030 Career executive program—General provisions. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-024 (Order 350), § 356-47-030, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-47-030, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-030, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-030, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-040 Career executive program—Position nomination—Approval—Procedures. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-100 (Order 400), § 356-47-040, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-040, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-040, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-045 Career executive program—Employee selection. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-067 (Order 408), § 356-47-045, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-47-045, filed 9/7/88, effective 11/1/88; 86-12-035 (Order 250), § 356-47-045, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-046 Career executive program—Appointment status. [Statutory Authority: RCW 41.06.150. 86-17-039 (Order 257), § 356-47-046, filed 8/15/86; 86-12-035 (Order 250), § 356-47-046, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-050 Career executive program—Nomination of position and incumbent. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-050, filed 10/6/81.] Repealed by 86-12-035 (Order 250), filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.
- 356-47-051 Career executive program—Recruitment—Procedures. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-051, filed 10/6/81.] Repealed by 86-12-035 (Order 250), filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.
- 356-47-052 Career executive program—Appointments—Candidate list—Procedures—Probationary period. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-052, filed 10/6/81.] Repealed by 86-12-035 (Order 250), filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.
- 356-47-060 Career executive program—Position removal—Incumbent removal. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-067 (Order 408), § 356-47-060, filed 6/26/92, effective 8/1/92. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-060, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-060, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-065 Career executive program—Return rights. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-065, filed 5/30/86, effective 7/1/86.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-070 Career executive program—Agreement of participation. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-070, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-070, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-080 Career executive program—Performance appraisal—Performance recognition. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-080, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-080, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-090 Career executive program—Development and training. [Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-025 (Order 351), § 356-47-090, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-090, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-090, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-100 Career executive program—Classification—Allocation. [Statutory Authority: RCW 41.06.150. 86-12-035 (Order 250), § 356-47-100, filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-100, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-47-110 Career executive program—Inter-agency transfers—Intra-agency transfers. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-110, filed 10/6/81.] Repealed by 86-12-035 (Order 250), filed 5/30/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.

356-47-120 Career executive program—Appeals. [Statutory Authority: RCW 41.06.150(17). 81-20-068 (Order 162), § 356-47-120, filed 10/6/81.] Repealed by 93-19-153 (Order 430), filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.040 and 41.06.150.

Chapter 356-03 WAC

EXEMPTIONS

WAC

356-03-010 Exemptions.

WAC 356-03-010 Exemptions. (1) The provisions of this chapter do not apply to positions specifically exempted in individual agency statutes, positions listed in RCW 41.06.070(1), and to the following:

(a) Officers, academic personnel, employees of state institutions of higher education, and the state board for community and technical colleges;

(b) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency;

(c) Part-time local health officers;

(d) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties;

(e) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(f) Patient and resident help in the covered institutions.

(g) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(h) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(2) In addition, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director stating the reasons for requesting such exemptions. The director shall hold a public hearing after proper notice. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection is as specified in RCW 41.06.070(3).

(3) The salary and fringe benefits of all positions presently or hereafter exempted except for those specified in RCW 41.06.070 (3) and (1)(b) through (h) of this rule, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(a) All agencies under the director's salary authority shall use the exempt management service band and salary structure according to the following:

(i) The creation and band establishment of any positions to be newly exempted must be brought to the director for consideration through the normal director's meeting process, including an approved fiscal impact statement.

(ii) Request to band existing exempt positions shall follow the guidelines established by the department of personnel.

(iii) Agencies shall band existing exempt positions after receiving approval of their proposal by the director.

(iv) Following the implementation of banding, any movement of a position to a different band is subject to approval by the director. In addition, adjustments to any exempt position greater than ten percent for any single adjustment or cumulative adjustments of greater than twenty percent over the life of the position must be brought to the director for review and approval prior to implementation.

(A) Exceptions to these maximum adjustment percentages include legislatively approved increases, job reevaluations resulting in higher evaluation points, and increases to bring a salary to the band minimum.

(4) Any classified employee whose position is exempted or who accepts an appointment in an exempt position shall have the right of reversion as specified in RCW 41.06.070(3).

[Statutory Authority: RCW 41.06.150. 02-17-117, § 356-03-010, filed 8/21/02, effective 9/30/02.]

Chapter 356-05 WAC

DEFINITIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-05-005 Acting appointment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-005, filed 8/10/84.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.

356-05-048 Base range. [Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-05-048, filed 7/16/87, effective 9/1/87.] Repealed by 92-20-024 (Order 409), filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-05-171 Family and medical leave. [Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-05-171, filed 9/22/93, effective 10/23/93.] Repealed by 96-13-076, filed 6/18/96, effective 8/1/96. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150.

356-05-180 Handicapped. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-180, filed 8/10/84.] Repealed by 87-02-038 (Order 267), filed 1/2/87. Statutory Authority: RCW 41.06.150.

356-05-190 Housed personnel. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-190, filed 8/10/84.] Repealed by 86-12-025 (Order 248), filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.

356-05-213 Management employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-213, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.

356-05-214 Manager. [Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-099 (Order 399), § 356-05-214, filed 1/17/92, effective 3/1/92.] Repealed by 93-22-082 (Order 432), filed 11/1/93, effective 12/2/93. Statutory Authority: Chapter 41.06 RCW and 41.06.150.

356-05-222 Nonmanagement employee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-222, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.

356-05-275 Point range. [Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-05-275, filed 7/16/87, effective 9/1/87.] Repealed by 92-20-024 (Order 409), filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-05-327 Protected group members. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-031 (Order 385), § 356-05-327, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-05-327, filed 1/2/87.] Repealed by 99-05-043, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.150.

356-05-330 Provisional appointment. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-330, filed 8/10/84.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.

356-05-455 Union shop fee. [Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-455, filed 8/10/84.] Repealed by 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89. Statutory Authority: RCW 41.06.150.

Reviser's note: The definitions in chapter 356-05 WAC (Order 209, filed August 10, 1984) were formerly filed as WAC 356-06-010 which was repealed by the same order.

WAC 356-05-001 Chapter purpose. The definitions outlined in this chapter apply throughout these rules unless the context clearly indicates another meaning.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-001, filed 8/10/84.]

WAC 356-05-010 Administrative personnel. Employees who customarily and regularly exercise discretion and independent judgment, and whose primary duty (fifty percent or more of the time) consists of either: (1) Work directly related to management policies or the general business operations of the agency or the agency's customers; or (2) direct assistance to a person in a bona fide executive or administrative capacity.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-010, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-010, filed 8/10/84.]

WAC 356-05-012 Affected group members. Affected groups for affirmative action purposes are: Persons age forty and above, people with disabilities, Vietnam Era veterans and disabled veterans, women, Asians and Pacific Islanders, Blacks, Hispanics, Native Americans and Alaska Natives.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-05-012, filed 2/12/99, effective 4/1/99.]

WAC 356-05-013 Affirmative action. Procedures by which affected group members are provided with increased employment opportunities designed to correct underutilization. Affirmative action shall not mean any sort of quota system.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-05-013, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-013, filed 1/2/87.]

WAC 356-05-015 Agency. An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-015, filed 8/10/84.]

WAC 356-05-020 Agricultural personnel. Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-020, filed 8/10/84.]

WAC 356-05-025 Allied register. A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-025, filed 8/10/84.]

WAC 356-05-030 Allocation. The assignment of a position to a job classification.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-030, filed 8/10/84.]

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WAC 356-05-035 Anniversary date. Original entry date into state service as adjusted by leave without pay or break in service.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-035, filed 8/10/84.]

WAC 356-05-040 Appointing authority. A person or group of persons lawfully authorized to make appointments.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-040, filed 8/10/84.]

WAC 356-05-045 Bargaining unit. The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-045, filed 8/10/84.]

WAC 356-05-050 Basic salary. The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

[Statutory Authority: RCW 41.06.150. 85-05-030 (Order 217), § 356-05-050, filed 2/15/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-050, filed 8/10/84.]

WAC 356-05-055 Board. The Washington personnel resources board.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-05-055, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-055, filed 8/10/84.]

WAC 356-05-060 Bumping. The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-060, filed 8/10/84.]

WAC 356-05-065 Career planning. A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-065, filed 8/10/84.]

WAC 356-05-070 Certification. Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-070, filed 8/10/84.]

WAC 356-05-072 Child. For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is (a) under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Persons who are *in loco parentis* includes

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those with day-to-day responsibilities to care for and financially support a child.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-072, filed 11/14/02, effective 1/1/03.]

WAC 356-05-075 Class. Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-075, filed 8/10/84.]

WAC 356-05-080 Classified service. All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-080, filed 8/10/84.]

WAC 356-05-085 Collective bargaining or collective negotiation. The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-085, filed 8/10/84.]

WAC 356-05-090 Compensatory time. Time off in lieu of cash payment for overtime.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-090, filed 8/10/84.]

WAC 356-05-095 Competitive service. All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-095, filed 8/10/84.]

WAC 356-05-100 Date of election. The date of election is the date the director of personnel certifies the results of the election.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-100, filed 8/10/84.]

WAC 356-05-105 Demotion. A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-105, filed 8/10/84.]

WAC 356-05-110 Desirable qualifications. The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-110, filed 8/10/84.]

WAC 356-05-115 Director. The director of the department of personnel.

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[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-115, filed 8/10/84.]

WAC 356-05-120 Disability. An employee's physical and/or mental inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

[Statutory Authority: RCW 41.06.150, 84-23-059 (Order 211), § 356-05-120, filed 11/20/84. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-120, filed 8/10/84.]

WAC 356-05-125 Dismissal. The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-125, filed 8/10/84.]

WAC 356-05-128 Drug test. Any blood, urine or other test designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW.

[Statutory Authority: RCW 41.06.150, 88-03-042 (Order 291), § 356-05-128, filed 1/19/88, effective 3/1/88.]

WAC 356-05-130 Education leave of absence. An authorized leave of absence for educational purposes.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-130, filed 8/10/84.]

WAC 356-05-135 Elevation. Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-135, filed 8/10/84.]

WAC 356-05-140 Eligible. An applicant whose name is on a register.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-140, filed 8/10/84.]

WAC 356-05-145 Emergency appointment. An appointment, for emergency reasons, not to exceed thirty calendar days.

[Statutory Authority: RCW 41.06.150, 88-21-028 (Order 309), § 356-05-145, filed 10/11/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-145, filed 8/10/84.]

WAC 356-05-148 Emergency health condition. For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a sudden, generally unexpected occurrence or set of circumstances related to one's health, which requires immediate action and is typically short-term in nature.

[Statutory Authority: RCW 41.06.150, 02-23-042, § 356-05-148, filed 11/14/02, effective 1/1/03.]

WAC 356-05-150 Employee. Any person employed under the jurisdiction of these rules.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-150, filed 8/10/84.]

WAC 356-05-155 Employee organization. Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-155, filed 8/10/84.]

WAC 356-05-160 Exchange time. Equal time off for excess hours worked by exceptions work period employees.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-160, filed 8/10/84.]

WAC 356-05-165 Executive personnel. (As used in chapter 15 of these rules) Employees whose primary duty (fifty percent or more of the time) is directing and controlling program operations of an agency or division or customarily recognized subdivision thereof; who regularly and customarily exercise discretionary powers; and who supervise two or more employees.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-165, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-165, filed 8/10/84.]

WAC 356-05-170 Exempt position. Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-170, filed 8/10/84.]

WAC 356-05-173 Flex-time. These work schedules require fixed core hours of work with starting and quitting times other than 8 a.m. to 5 p.m.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-030 (Order 384), § 356-05-173, filed 9/23/91, effective 11/1/91.]

WAC 356-05-175 Full-time employment. Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 - 40 hours per week shall be considered full time.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-175, filed 8/10/84.]

WAC 356-05-178 Higher education system or higher education rules. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and Title 251 WAC.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-178, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-178, filed 9/10/98, effective 10/12/98.]

WAC 356-05-185 Holidays. Paid nonwork days for state employees as established by RCW 1.16.050.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-185, filed 8/10/84.]

WAC 356-05-195 Human resource development. The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-195, filed 8/10/84.]

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WAC 356-05-198 Institutions of higher education. The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-05-198, filed 9/10/98, effective 10/12/98.]

WAC 356-05-200 Intermittent employment. Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-200, filed 8/10/84.]

WAC 356-05-205 Intervening salary steps. All increment steps in a salary range, except the lowest and highest.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-205, filed 8/10/84.]

WAC 356-05-207 Job categories. The eight categories designated by the equal employment opportunity commission for reporting to federal agencies: Officials and administrators, professionals, technicians, protective service workers, paraprofessionals, office and clerical, skilled craft workers, and service and maintenance.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-05-207, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-207, filed 1/2/87.]

WAC 356-05-210 Law enforcement personnel. Employees who meet the Fair Labor Standards Act requirements for the section 7(K) special exemption as described and limited by chapter 29, Code of Federal Regulations, sections 553.211 and 553.212, and who are designated as law enforcement work period designation by the director.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-210, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-210, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-03-044 (Order 337), § 356-05-210, filed 1/16/90, effective 3/1/90. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-210, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-210, filed 8/10/84.]

WAC 356-05-211 Leadworker. An employee assigned responsibility by management to receive and convey directions to fellow employees, take the lead in performing assigned tasks and ensure that such tasks are properly completed. This is distinguished from a journey level employee who occasionally is required to assist with training and direction of less experienced employees while performing the assigned journey tasks. Leadership functions performed are secondary to the production duties performed.

[Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), § 356-05-211, filed 7/15/85.]

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WAC 356-05-215 Minimum qualifications. The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-215, filed 8/10/84.]

WAC 356-05-220 Noncompetitive positions. Positions designated by the director as not requiring a competitive examination.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-05-220, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-220, filed 8/10/84.]

WAC 356-05-225 Orientation. An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-225, filed 8/10/84.]

WAC 356-05-230 Overtime. Work authorized and performed in accordance with WAC 356-15-030.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-230, filed 8/10/84.]

WAC 356-05-231 Overtime rate. The sum of the basic salary for each hour of overtime worked, and all other payments authorized for each hour of overtime worked, and one-half of the regular rate (WAC 356-05-353) for each hour of overtime worked.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-231, filed 5/28/86, effective 7/1/86.]

WAC 356-05-233 Outside sales personnel. Persons whose primary duty is to work away from the employer's places of business in selling tangible or intangible items such as goods, insurance, stocks, bonds, or real estate, or in obtaining orders or contracts for services or use of facilities; and who spend eighty percent or more of their work time in activities which are exempt from the overtime provisions of the Fair Labor Standards Act.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-233, filed 5/28/86, effective 7/1/86.]

WAC 356-05-234 Parent. For the purposes of WAC 356-18-025, 356-18-060, 356-18-110, and 356-14-260, a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child. A person who had day-to-day responsibilities to care for and financially support the employee when he or she was a child is considered to have stood *in loco parentis* to the employee.

[Statutory Authority: RCW 41.06.150. 02-23-042, § 356-05-234, filed 11/14/02, effective 1/1/03.]

WAC 356-05-235 Part-time employment. Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

(2005 Ed.)

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-235, filed 8/10/84.]

WAC 356-05-237 Pay period. The first through the fifteenth day of each month, and the sixteenth through the last day of each month. (RCW 42.16.010)

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-05-237, filed 5/28/86, effective 7/1/86.]

WAC 356-05-238 Pay status. For purposes of leave accrual and holiday eligibility, periods of work or paid leave time which qualify an employee for wages.

[Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-05-238, filed 2/24/89, effective 4/1/89.]

WAC 356-05-240 Periodic increment date. The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary range as prescribed in the merit system rules.

[Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-05-240, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-240, filed 8/10/84.]

WAC 356-05-245 Permanent employee. An employee who has successfully completed a probationary period and has had no break in service.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-245, filed 8/10/84.]

WAC 356-05-250 Personnel record. Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060 (2)A.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-250, filed 8/10/84.]

WAC 356-05-260 Persons of disability. For affirmative action purposes, as provided in these rules, people with disabilities are persons with a permanent physical, mental, or sensory impairment which substantially limits one or more major life activities. Physical, mental or sensory impairment means: (a) Any physiological or neurological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems or function; or (b) any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness or any specific learning disability. The impairment must be material rather than slight, and permanent in that it is seldom fully corrected by medical replacement, therapy or surgical means.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-23-107 (Order 395), § 356-05-260, filed 11/20/91, effective 1/1/92. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-05-260, filed 1/2/87.]

WAC 356-05-300 Position. A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full time or part time, seasonal, temporary or permanent.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-300, filed 8/10/84.]

WAC 356-05-305 Premium payment. Wage payment over and above the basic salary rate authorized by the director for extraordinary conditions of employment.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-305, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-305, filed 8/10/84.]

WAC 356-05-310 Probationary period. The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-310, filed 8/10/84.]

WAC 356-05-315 Professional personnel. For determination of work period designation: Employees performing work which requires consistent exercise of independent judgment and requires advanced knowledge normally gained through achieving at least a baccalaureate degree in a specialized field as opposed to general academic instruction, but which may be gained through experience and home study. For other merit system purposes: Employees performing work which requires consistent application of advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

[Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-05-315, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-315, filed 8/10/84.]

WAC 356-05-320 Project employment. A program designated by the director of personnel as "project employment," that is separately funded by a grant, or by specially targeted federal or state funds, has a specific goal, and has an end in sight. Such a program shall normally last up to two years.

[Statutory Authority: RCW 41.06.150, 88-18-096 (Order 308), § 356-05-320, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-320, filed 8/10/84.]

WAC 356-05-325 Promotion. A change of an employee from a position in one class to a position in a class having a higher maximum salary.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-325, filed 8/10/84.]

WAC 356-05-332 Recreational establishment. An amusement or recreational establishment, organized camp, or nonprofit educational conference center if (1) it does not operate for more than seven months in any calendar year, or (2) during the preceding calendar year, its average receipts for any six months of such year were not more than thirty-three percent of its average receipts for the other six months of such year.

[Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-05-332, filed 5/28/86, effective 7/1/86.]

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WAC 356-05-333 Reasonable accommodation. Reasonable alterations, adjustments, or changes made by the appointing authority in the job, workplace and/or term or condition of employment which will enable an otherwise qualified person of disability or disabled veteran to perform a particular job successfully, as determined on a case-by-case basis.

[Statutory Authority: RCW 41.06.150, 87-02-038 (Order 267), § 356-05-333, filed 1/2/87.]

WAC 356-05-335 Reduction in force. A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction in force occurs, it is a separation from service without cause on the part of the employee.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-335, filed 8/10/84.]

WAC 356-05-340 Reduction. Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-340, filed 8/10/84.]

WAC 356-05-345 Reemployment. An appointment, made from the reemployment register, of a former employee who had permanent status.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-345, filed 8/10/84.]

WAC 356-05-350 Register. A list of eligible names established for employment or reemployment in a class.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-350, filed 8/10/84.]

WAC 356-05-353 Regular rate. The sum of the basic salary and all other payments which are made at less than time-and-one-half the basic salary for all hours worked in a pay period or work period, divided by the total number of hours worked that pay period or work period. Time-and-one-half rates are then calculated by adding one-half of the regular rate for each hour of overtime worked.

Included: Basic salary for all hours worked, including paid leave; assignment pay; shift premium; standby pay (not hours); the cost of employees' personal expenses such as meals in excess of one meal per day, if these are for the employees' own benefit, and not for the benefit of the employer.

Excluded: The half-time pay included in any time-and-one-half rate; penalty payments such as call-back, which are not based on the number of hours worked; per diem or other expense reimbursement; hours (not pay) for standby; discretionary bonuses such as suggestion awards; group incentive awards authorized by RCW 41.60.120.

[Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-05-353, filed 5/28/86, effective 7/1/86.]

(2005 Ed.)

WAC 356-05-355 Reinstatement. Return of an employee to full employment rights by board or personnel appeals board action following appeal hearing.

[Statutory Authority: RCW 41.06.040 and 41.06.150, 92-08-009 (Order 402), § 356-05-355, filed 3/20/92, effective 5/1/92. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-355, filed 8/10/84.]

WAC 356-05-358 Related boards. The state board for community and technical colleges; and such other boards, councils, and commissions related to institutions of higher education as may be established.

[Statutory Authority: RCW 41.06.150, 98-19-034, § 356-05-358, filed 9/10/98, effective 10/12/98.]

WAC 356-05-360 Resignation. A voluntary separation from state employment.

[Statutory Authority: RCW 41.06.150, 88-03-041 (Order 290), § 356-05-360, filed 1/19/88, effective 3/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-360, filed 8/10/84.]

WAC 356-05-365 Reversion. Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-365, filed 8/10/84.]

WAC 356-05-370 Salary range. A sequence of minimum, intervening, and maximum dollar amounts designated by the director as the monthly compensation for a class. Salary ranges are identified in the compensation plan by number.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-370, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.040 and 41.06.150, 92-20-024 (Order 409), § 356-05-370, filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.150, 87-15-065 (Order 281), § 356-05-370, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-370, filed 8/10/84.]

WAC 356-05-375 Scheduling plan. A series of schedules, approved for specific positions by the director, through which schedules the incumbents move in an established pattern.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-375, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-375, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-375, filed 8/10/84.]

WAC 356-05-380 Seasonal career employees. Incumbents who have been appointed into seasonal career positions with the mutual expectation of continued employment or employees who have repeatedly returned to state employment in the same agency and are granted a seasonal career appointment at the start of their fourth season of consecutive employment as provided in WAC 356-30-130(3).

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-380, filed 8/10/84.]

WAC 356-05-385 Seasonal career employment. Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

mittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-385, filed 8/10/84.]

WAC 356-05-387 Seasonal career positions. A grouping of assigned duties, tasks, and responsibilities in seasonal career employment established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-387, filed 8/10/84.]

WAC 356-05-389 Selective. Specialized qualifications that are required for the successful performance of the duties of a position and cannot be gained within the probationary or trial service period.

[Statutory Authority: RCW 41.06.150, 02-03-063, § 356-05-389, filed 1/10/02, effective 3/1/02.]

WAC 356-05-390 Seniority. A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the board or the director. Service in positions brought under the jurisdiction of the board or the director by statute is counted as though it had previously been under the jurisdiction of the board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is approved for the reasons cited in WAC 356-18-220(2), or statutes require it be credited. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register, for a maximum of three years for each reduction in force occurrence. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdiction of the higher education personnel rules will be added when the employee comes under the jurisdiction of the board through the provisions of WAC 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or the deceased veteran's spouse as defined in WAC 356-05-470.

[Statutory Authority: RCW 41.06.150, 98-19-034, § 356-05-390, filed 9/10/98, effective 10/12/98; 98-06-012, § 356-05-390, filed 2/20/98, effective 4/1/98; 89-16-030 (Order 327), § 356-05-390, filed 7/25/89, effective 9/1/89; 87-02-038 (Order 267), § 356-05-390, filed 1/2/87; 85-21-113 (Order 237), § 356-05-390, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-390, filed 8/10/84.]

WAC 356-05-395 Series. A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-395, filed 8/10/84.]

WAC 356-05-397 Shift charge. In a twenty-four hour institutional or hospital setting, is the position responsible for resident/patient care and service delivery on a specified shift of a ward, cottage, or other designated living unit or treatment area: Directs subordinate staff; serves as primary contact on a shift for intershift communications; assigns work and provides on-the-job training for employees; ensures that tasks are completed properly; carries a work load (covers a post); initiates and participates in performance evaluations and corrective action; and participates in or makes recommendations on the selection of staff.

[Statutory Authority: RCW 41.06.150. 86-14-071 (Order 253), § 356-05-397, filed 7/1/86, effective 8/1/86.]

WAC 356-05-400 Supervisor. Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-400, filed 8/10/84.]

WAC 356-05-405 Suspension. An enforced absence without pay for disciplinary purposes.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-405, filed 8/10/84.]

WAC 356-05-410 Tandem employment. Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-410, filed 8/10/84.]

WAC 356-05-415 Temporary employment. Single or multiple periods of employment for not more than 1560 non-overtime hours, not to exceed twelve months from the appointment date, unless extended by the director. Temporary appointments shall only be made when there is a need to fill a position during the absence of a permanent employee, during a workload peak, or while recruitment is being conducted to establish a complete register.

[Statutory Authority: RCW 41.06.150. 02-07-049, § 356-05-415, filed 3/14/02, effective 5/1/02; 88-18-096 (Order 308), § 356-05-415, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-415, filed 8/10/84.]

WAC 356-05-420 Termination. Separation from employment for reasons beyond the control of the employee.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-420, filed 8/10/84.]

[Title 356 WAC—p. 18]

WAC 356-05-425 Training. An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-425, filed 8/10/84.]

WAC 356-05-430 Transfer. The change of an employee from a position in one class to another position in a class having the same maximum salary.

[Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-05-430, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-430, filed 8/10/84.]

WAC 356-05-435 Trial service period. A six-month trial period of employment of a permanent employee beginning with the effective date of appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a promotional register.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-435, filed 8/10/84.]

WAC 356-05-440 Tuition reimbursement. A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-440, filed 8/10/84.]

WAC 356-05-445 Underfill. The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-445, filed 8/10/84.]

WAC 356-05-447 Underutilization. Having fewer racial/ethnic minorities, women, persons age 40 and over, Vietnam Era and disabled veterans, or persons of disability in a particular job group than reasonably would be expected based upon their availability.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-05-447, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-05-447, filed 1/2/87.]

WAC 356-05-450 Union shop. A form of union security that requires that all employees within a bargaining unit pay monthly or other periodic dues to an employee organization or pay a representation fee in accordance with the procedure adopted by the employee organization or a nonassociation fee within thirty calendar days of the union shop election or thirty calendar days from an employee's date of hire, whichever is later.

[Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-05-450, filed 12/28/88, effective 2/1/89. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-450, filed 8/10/84.]

WAC 356-05-456 Union shop nonassociation fee. A fee which an employee who is granted nonassociation as provided in WAC 356-42-043(4) must pay to a union shop exclusive bargaining representative as an alternative to becoming a member of such employee organization and pay-

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ing regular dues. This fee is equivalent to the regular monthly dues of the employee organization less any included monthly premiums for union-sponsored insurance programs.

[Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-05-456, filed 12/28/88, effective 2/1/89.]

WAC 356-05-460 Union shop representative. A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the director of personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-460, filed 8/10/84.]

WAC 356-05-461 Union shop representation fee. A fee in lieu of regular dues which an employee may pay to a union shop representative. The fee shall constitute an employee's proportionate fair share of the direct costs of negotiating and administering the collective bargaining agreement and of settling grievances, appeals, and disputes, and also the expenses of activities or undertakings normally or reasonably employed to implement or effectuate the duties of the organization as exclusive representative.

[Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-05-461, filed 12/28/88, effective 2/1/89.]

WAC 356-05-465 Veteran. For the purpose of determining seniority, as defined in WAC 356-05-390, for granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: Provided, That for the purposes of this section "veteran" does not include any person who has:

(1) Twenty or more years active military service, and whose retirement is designated by the armed forces of the United States as "voluntary" as evidenced by the DD Form 214 or other official military records; and

(2) Whose military retirement pay is in excess of five hundred dollars per month.

[Statutory Authority: RCW 41.06.150, 88-14-070 (Order 302), § 356-05-465, filed 7/1/88; 85-20-027 (Order 233), § 356-05-465, filed 9/24/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-465, filed 8/10/84.]

WAC 356-05-470 Veteran's spouse. For the purpose of granting preference during layoffs and subsequent reemployment, the unmarried spouse of a deceased veteran as defined in WAC 356-05-465 except that such veteran's one-year minimum length of active military service shall be disregarded.

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[Statutory Authority: RCW 41.06.150, 87-02-038 (Order 267), § 356-05-470, filed 1/2/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-470, filed 8/10/84.]

WAC 356-05-475 Volunteer experience. Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-475, filed 8/10/84.]

WAC 356-05-477 Washington general service. The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the director.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-477, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-05-477, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-05-477, filed 1/21/94, effective 3/1/94.]

WAC 356-05-479 Washington management service. The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-05-479, filed 7/8/04, effective 8/8/04. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-05-479, filed 1/21/94, effective 3/1/94.]

WAC 356-05-480 Work day. One of seven 24-hour periods that start at the beginning of the workweek.

[Statutory Authority: RCW 41.06.150, 87-10-037 (Order 274), § 356-05-480, filed 5/1/87, effective 6/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-480, filed 8/10/84.]

WAC 356-05-485 Work period designation. Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-485, filed 8/10/84.]

WAC 356-05-490 Work schedule. A series of work-shifts and work days within the workweek.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205, 84-17-042 (Order 209), § 356-05-490, filed 8/10/84.]

WAC 356-05-493 Workforce diversity. Diversity is the condition of being different and having differences. Applied to the workforce, it means that an increasing number of employees with a greater range of distinctions are, and will be, present within the workplace. This includes persons with diverse racial, ethnic, cultural, economic and geographic backgrounds as well as people with disabilities, different ages, physical characteristics and gender, veterans status, and

members of varying forms of family structures, religious preferences, and sexual orientations.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-032 (Order 386), § 356-05-493, filed 9/23/91, effective 11/1/91.]

WAC 356-05-495 Workshift. Scheduled working hours within the workday.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-495, filed 8/10/84.]

WAC 356-05-500 Workweek. A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods.

[Statutory Authority: RCW 41.06.150. 87-10-037 (Order 274), § 356-05-500, filed 5/1/87, effective 6/1/87. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-500, filed 8/10/84.]

WAC 356-05-505 Y-rate. A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

[Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-05-505, filed 8/10/84.]

Chapter 356-06 WAC GENERAL PROVISIONS

WAC

356-06-001	Declaration of purpose.
356-06-002	Scope and construction of terms.
356-06-003	Scope.
356-06-030	Personnel services—Governmental agencies.
356-06-040	Classified service.
356-06-045	Movement between Washington general service and Washington management service positions.
356-06-050	Exempt service.
356-06-055	Exempt—Classified service—Movement between.
356-06-065	Incumbent status for positions converted by the board from exempt to classified.
356-06-100	Director—Powers—Duties.
356-06-110	Federal preemption—Fair Labor Standards Act.
356-06-120	Americans with Disabilities Act of 1990—Federal and state preemption.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-06-010	Definitions. [Statutory Authority: RCW 41.06.150. 84-14-006 (Order 207), § 356-06-010, filed 6/22/84; 84-12-079 (Order 206), § 356-06-010, filed 6/6/84; 84-11-003 (Order 203), § 356-06-010, filed 5/4/84; 84-02-030 (Order 194), § 356-06-010, filed 12/30/83; 83-01-115 (Order 179), § 356-06-010, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-06-010, filed 9/22/82; 82-09-022 (Order 169), § 356-06-010, filed 4/12/82; 82-03-030 (Order 165), § 356-06-010, filed 1/18/82; 81-23-031 (Order 163), § 356-06-010, filed 11/16/81; 80-13-047 (Order 147), § 356-06-010, filed 9/16/80; 80-09-010 (Order 145), § 356-06-010, filed 7/8/80; 78-02-049 (Order 116), § 356-06-010, filed 1/19/78; Order 113, § 356-06-010, filed 11/30/77; Order 112, § 356-06-010, filed 11/7/77; Order 109, § 356-06-010, filed 9/7/77; Order 100, § 356-06-010, filed 3/30/77; Order 98, § 356-06-010, filed 1/13/77, effective 2/13/77; Order 94, § 356-06-010, filed 11/2/76, effective 1/1/77; Order 92, § 356-06-010, filed 10/5/76, effective 11/5/76; Order 89, § 356-06-010, filed 6/30/76, effective 7/31/76; Order 86, § 356-06-010, filed 5/4/76; Order 82, § 356-06-010, filed 9/26/75; Order 80, § 356-06-010, filed 7/16/75;
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Order 78, § 356-06-010, filed 5/19/75, effective 7/1/75; Order 77, § 356-06-010, filed 5/7/75; Order 74, § 356-06-010, filed 3/7/75; Order 71, § 356-06-010, filed 12/30/74; Order 69, § 356-06-010, filed 9/30/74; Order 63, § 356-06-010, filed 2/26/74; Order 58, § 356-06-010, filed 9/10/73; Order 57, § 356-06-010, filed 7/31/73; Order 51, § 356-06-010, filed 12/19/72; Order 47, § 356-06-010, filed 6/14/72; Order 42, § 356-06-010, filed 1/11/72; Permanent and Emergency Order 39, § 356-06-010, filed 9/15/71; Order 36, § 356-06-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-010.] Repealed by 84-17-042 (Order 209), filed 8/10/84. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. Later promulgation, see chapter 356-05 WAC.

356-06-020 Exemptions. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-06-020, filed 9/10/98, effective 10/12/98; 95-19-054, § 356-06-020, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-027 (Order 353), § 356-06-020, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 87-24-028 (Order 287), § 356-06-020, filed 11/24/87, effective 1/1/88; 85-21-113 (Order 237), § 356-06-020, filed 10/23/85, effective 12/1/85; 85-19-078 (Order 230), § 356-06-020, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-06-020, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-06-032 (Order 143), § 356-06-020, filed 5/9/80, effective 6/12/80; 79-12-012 (Order 137), § 356-06-020, filed 11/13/79; 78-05-025 (Order 119), § 356-06-020, filed 4/14/78; Order 63, § 356-06-020, filed 2/26/74; Order 37, § 356-06-020, filed 8/17/71, effective 9/17/71; Order 36, § 356-06-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-020.] Repealed by 02-15-050, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150. Later promulgation, see WAC 356-03-010.

356-06-060 Personnel board—Composition—Appointment. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-060, filed 4/14/78; Order 36, § 356-06-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-090.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.

356-06-070 Personnel board—Procedure—Quorum. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-070, filed 4/14/78; Order 36, § 356-06-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-100.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.

356-06-080 Powers—Duties of the board. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-06-080, filed 9/10/98, effective 10/12/98; 96-11-062, § 356-06-080, filed 5/10/96, effective 6/6/96; 95-19-054, § 356-06-080, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-06-080, filed 9/22/93, effective 10/23/93; 90-12-022 (Order 348), § 356-06-080, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 86-12-036 (Order 251), § 356-06-080, filed 5/30/86, effective 7/1/86; 83-13-091 (Order 186), § 356-06-080, filed 6/17/83. Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-06-080, filed 4/14/78; Order 75, § 356-06-080, filed 3/24/75; Order 36, § 356-06-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-110.] Repealed by 04-15-018, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150.

356-06-090 Director—Appointment—Removal. [Order 36, § 356-06-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-120.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.

WAC 356-06-001 Declaration of purpose. The general purpose of these rules is to establish for the state a system of personnel administration based on merit principles, including affirmative action, and scientific methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state

employment. All appointments and promotions to positions, and the retention therein, in the state service shall be made on the basis of policies hereinafter specified.

[Statutory Authority: RCW 41.06.150. 87-06-032 (Order 270), § 356-06-001, filed 2/27/87, effective 4/1/87; Order 36, § 356-06-001, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-001.]

WAC 356-06-002 Scope and construction of terms.

Terms used in these merit system rules will have the meaning given to them except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

[Order 63, § 356-06-002, filed 2/26/74.]

WAC 356-06-003 Scope. The provisions of these rules shall apply to all personnel under the jurisdiction of chapter 41.06 RCW except those exempted under the provisions of WAC 356-03-010. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted under the former higher education civil service law (chapter 28B.16 RCW). Further, these rules and compensation and classification plans shall continue to apply as before until such time as the director has had adequate time to review and consider changes to the existing rules and plans.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-003, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-003, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-06-003, filed 9/22/93, effective 10/23/93.]

WAC 356-06-030 Personnel services—Governmental agencies. The services of the state department of personnel may be available upon request, on a reimbursable basis, to:

- (1) Either the legislative or judicial branch of the state government.
- (2) Any county, city, town, or other municipal subdivision of the state.

[Order 36, § 356-06-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-040.]

WAC 356-06-040 Classified service. Positions subject to these rules are in the classified service and will be designated by the director as competitive or noncompetitive.

(1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The noncompetitive service includes those unskilled, seasonal and temporary classes or positions for which the director has determined ranked registers to be impracticable.

(3) The director of personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such

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studies, present to the director for determination, the proper inclusion or exclusion from the noncompetitive service.

(4) No positions in agencies designated as grant-in-aid, will be included in the noncompetitive service except those positions that need not meet the federal merit system standards or positions which can be placed in the noncompetitive service according to the federal merit system standards.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-040, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-040, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-06-040, filed 3/14/80; Order 71, § 356-06-040, filed 12/30/74; Permanent and Emergency Order 39, § 356-06-040, filed 9/15/71; Order 36, § 356-06-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-050, 356-04-060, 356-04-070.]

WAC 356-06-045 Movement between Washington general service and Washington management service positions. (1) Employees who have attained permanent status, or who have completed six months of the review period, in the Washington management service are eligible to compete under promotional recruitments for Washington general service positions.

(2) Permanent employees may transfer from the Washington management service to Washington general service positions if their salary is within the salary range of the Washington general service position. Transfers may require the employee to meet minimum qualifications and take the appropriate examination as determined by the director of personnel or designee.

(3) Permanent employees may transfer from Washington general service to Washington management service positions if their salary is within the salary level of the Washington management service position.

(4) Permanent employees may voluntarily demote between Washington management service and Washington general service positions at a lower pay than their current permanent position. Voluntary demotion to a Washington general service classification may require the employee to meet minimum qualifications and take the appropriate examination as determined by the director of personnel or designee.

(5) Permanent WMS employees may accept temporary employment in the general service as provided in WAC 356-30-067. Upon termination of such temporary appointment, the employee shall have the right to resume the same or similar permanent Washington management service position within their permanent agency, at their former status.

(6) Permanent WMS employees may accept project employment in the general service as provided in WAC 356-30-145. Upon reduction in force from the project, or at the request of the employee, the employee will have reduction in force rights of the permanent Washington management service position they left. Employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force register for the general service classes in which permanent project status was attained.

(7) During reduction in force, permanent Washington management service employees who also have permanent status in Washington general service will be afforded return rights as follows:

(a) Prior to considering Washington management service positions within the agency which have a lower salary,

appointing authorities will consider Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status.

(b) Washington management service employees who have no reduction in force options for the same or similar positions in the Washington management service will be afforded reduction in force rights to the highest Washington general service class held permanently.

[Statutory Authority: RCW 41.06.150. 01-07-055, § 356-06-045, filed 3/19/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-04-011, § 356-06-045, filed 1/21/94, effective 3/1/94.]

WAC 356-06-050 Exempt service. The exempt service includes only the positions and agencies, officers and employees listed in WAC 356-06-020 who do not have appeal rights to the personnel appeals board when demoted or separated by dismissal or reduction in force. Appointments to any exempt position in branches, departments, or agencies not exempted by statute shall be reported by the director of personnel to the board and shall include such information as may be required to ascertain that the position is properly included in the exempt service. The director of personnel may at any time study the duties of a position in this service to determine the propriety of its continued inclusion in this service.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-06-050, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-06-050, filed 5/23/84, effective 9/1/84; Order 36, § 356-06-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-080.]

WAC 356-06-055 Exempt—Classified service—Movement between. (1) Any employee having permanent status in a classified position who accepts an appointment in an exempt position shall have the right to return to classified service. Such employee shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. The highest class of position does not necessarily mean return to the most recent agency. The return right will be to the most recent agency in which permanent status in the highest class was held. Such employee must apply to return to classified service within 30 calendar days of:

(a) Separation from employment in such exempt position, or

(b) Separation from employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

(2) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes that would have occurred in the interim.

(c) With the same status they last held at the time they left the classified service.

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(d) With their seniority credited with the full time of their absence from classified service and with no break in service.

(3) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:

(a) If the employee is appointed to the exempted position, or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1).

(b) If the employee is not appointed to the exempted position, or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1).

(4) Employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section nor through the reduction in force process.

(5) Employees may replace incumbents currently in the position to which they are returning. Seniority shall not be a factor in initially determining the position chosen for the returning employee. However, after the employee returns, the least senior person in the position is entitled to the rights and options of the reduction in force procedures of their agency.

(6) Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24), (25), or (28) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications;

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or as candidates certified from the reduction in force register.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-026 and 92-22-042 (Orders 411 and 411A), § 356-06-055, filed 9/28/92 and 10/27/92, effective 11/1/92 and 11/27/92; 92-14-068 (Order 405), § 356-06-055, filed 6/26/92, effective 8/1/92; 91-21-081 (Order 392), § 356-06-055, filed 10/18/91, effective 12/1/91; 90-12-027 (Order 353), § 356-06-055, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 85-21-113 (Order 237), § 356-06-055, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-06-055, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-06-055, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-06-055, filed 10/26/82; 82-19-092 (Order 175), § 356-06-055, filed 9/22/82; Order 82, § 356-06-055, filed 9/26/75; Order 69, § 356-06-055, filed 9/30/74; Order 63, § 356-06-055, filed 2/26/74.]

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-03-010 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the proba-

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tionary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the director on or before the fifteenth of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the director after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the director and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-065, filed 7/8/04, effective 8/8/04; 03-16-085, § 356-06-065, filed 8/5/03, effective 9/5/03; 02-15-047, § 356-06-065, filed 7/11/02, effective 9/1/02.]

WAC 356-06-100 Director—Powers—Duties. The director of personnel is appointed by the governor under the provisions of RCW 41.06.130.

The director directs and supervises all the department of personnel's administrative and technical activities in accordance with (2005 Ed.)

dance with the provisions of chapter 41.06 RCW and the civil service rules. The director is responsible to:

Adopt rules consistent with the purposes and provisions of the state civil service law and the best standards of personnel administration.

Audit and review the personnel administration and management at each agency, institution of higher education, and related higher education board periodically and at other such times as may be necessary.

Adopt and revise as necessary a comprehensive classification plan for all positions in the classified service. In adopting the revisions the director must comply with RCW 41.06.152, 41.06.150(4), and chapter 43.88 RCW.

Adopt and revise as necessary a state salary schedule in accordance with RCW 41.06.133(10).

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-100, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-100, filed 9/10/98, effective 10/12/98; 95-19-098, § 356-06-100, filed 9/20/95, effective 11/1/95; Order 71, § 356-06-100, filed 12/30/74; Order 36, § 356-06-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-04-130.]

WAC 356-06-110 Federal preemption—Fair Labor Standards Act. Agencies shall comply with the rules of the director (Title 356 WAC) unless doing so causes them to violate the Fair Labor Standards Act.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-110, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-110, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-03-090, § 356-06-110, filed 1/18/95, effective 3/1/95.]

WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption. Agencies shall comply with the rules of the director (Title 356 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-06-120, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-06-120, filed 9/10/98, effective 10/12/98; 98-08-024, § 356-06-120, filed 3/20/98, effective 5/1/98.]

Chapter 356-07 WAC

OPERATIONS AND PUBLIC RECORDS

WAC

356-07-010	Purpose.
356-07-020	Public records—Writings—Defined.
356-07-030	Description and location of departmental organization.
356-07-040	General method of operation.
356-07-050	Office hours.
356-07-055	Records index.
356-07-060	Records availability—Copies obtained.
356-07-070	Exemptions—Public records.

WAC 356-07-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of personnel with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25 through 32 of that act [RCW 42.17.250 through 42.17.350], dealing with public records.

[Order 60, § 356-08-010 (codified as WAC 356-07-010), filed 12/13/73.]

WAC 356-07-020 Public records—Writings—Defined. (1) "Public record" includes any writing containing

information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Both "public records" and "writings" as described in subsections (1) and (2) of this section are the property of the state of Washington and, in accordance with chapter 40.14 RCW, require the authority of the state records committee before their disposal may be accomplished.

[Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-07-020, filed 1/24/84; Order 60, § 356-08-020 (codified as WAC 356-07-020), filed 12/13/73.]

WAC 356-07-030 Description and location of departmental organization. (1) The central office of the Department of Personnel is located at 521 Capitol Way S., Olympia, Washington. The staff at this location provides personnel services regarding affirmative action, recruitment, examination, examination development, certification, classification, hearings, compensation, salary surveys, compensation plan administration, research services, special projects, departmental fiscal management, facilities, word processing support.

(2) The staff located at 600 South Franklin Street, Olympia, Washington, provides labor relations services and appeal hearings, consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) The staff at the following locations provides employee advisory services: 3400 Capitol Boulevard, Olympia, Washington; 2825 Eastlake Avenue E., Suite 310, Seattle, Washington; and at 4407 Division, Suite 210, Spokane, Washington.

(4) The staff located at Building #1, Rowsix, Lacey, Washington, administers the central personnel/payroll and insurance eligibility computer systems.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-07-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-056 (Order 341), § 356-07-030, filed 3/20/90, effective 5/1/90. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-07-030, filed 4/12/82; 78-05-025 (Order 119), § 356-07-030, filed 4/14/78; Order 60, § 356-08-030 (codified as WAC 356-07-030), filed 12/13/73.]

WAC 356-07-040 General method of operation. (1) The general conduct of agency business is pursuant to the charter established in chapters 41.06 and 41.05 RCW, and Title 356 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal action being taken by the board or the director on any jurisdictional matter, except appeals.

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(3) Special meetings may be called by the board or the director subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board or the director.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-07-040, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-07-040, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-07-040, filed 1/2/87; Order 60, § 356-08-040 (codified as WAC 356-07-040), filed 12/13/73.]

WAC 356-07-050 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department of personnel. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Order 60, § 356-08-050 (codified as WAC 356-07-050), filed 12/13/73.]

WAC 356-07-055 Records index. (1) A public records index shall be maintained for all records which fall within the requirements of RCW 42.17.260.

(2) The index shall include a short title, brief description, the time period covered, the physical location and the custodial division for each record.

(3) The index will be updated on a continual basis as needed.

(4) Copies of the index will be made available at no charge upon request to the public records officer for the agency.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-027 (Order 363), § 356-07-055, filed 12/24/90, effective 2/1/91.]

WAC 356-07-060 Records availability—Copies obtained. (1) Subject to WAC 356-07-070, copies of all public records defined in WAC 356-07-020 and identified in current indexes maintained in the Olympia office of the department of personnel shall be made available upon request to the staff member designated by the director or his designee. Response to such requests will be in the order received.

(2) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the director and must be accomplished without excessive interference with the essential functions of the agency.

(3) Copies of records will be made available at not more than actual cost to the department of personnel as determined by the director. Rules and regulations will be made available without charge.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-027 (Order 363), § 356-07-060, filed 12/24/90, effective 2/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-07-060, filed 1/2/87; Order 60, § 356-08-060 (codified as WAC 356-07-060), filed 12/13/73.]

WAC 356-07-070 Exemptions—Public records. (1) The department of personnel shall determine which public

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records requested in accordance with these rules are exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the department of personnel may delete identifying details when it makes available or publishes any public record and in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or a designated staff member will fully justify such deletion in writing.

(3) Denials of requests for public records must be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption in chapter 42.17 RCW authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld will be included.

(4) Denials of requests for public records will be reviewed by the director within two working days.

[Order 60, § 356-08-070 (codified as WAC 356-07-070), filed 12/13/73.]

Chapter 356-09 WAC AFFIRMATIVE ACTION PROGRAM

WAC

356-09-010	Affirmative action program—Purpose.
356-09-020	Affirmative action program—Equal employment opportunity policy statement.
356-09-030	Affirmative action program—Affirmative action plan—Elements.
356-09-040	Affirmative action program—Responsibilities—Department of personnel.
356-09-050	Affirmative action program—Testing.

WAC 356-09-010 Affirmative action program—Purpose. The purpose of this chapter is to ensure compliance by state agencies with the provisions of chapter 41.06 RCW and executive orders, which provide for affirmative action and equal employment opportunity in appointment, promotion, transfer, recruitment and career development; development and implementation of affirmative action goals, and monitoring progress toward achieving those goals.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-09-010, filed 1/2/87.]

WAC 356-09-020 Affirmative action program—Equal employment opportunity policy statement. Each agency head shall publish and endorse an equal employment opportunity policy statement that reflects the agency's policy of equal opportunity with respect to race, creed, color, national origin, sex, age, marital status, veteran status, sexual orientation, or the presence of any sensory, mental or physical disability. Other elements of the statement will be in accordance with the department of personnel affirmative action program guidelines.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-033 (Order 387), § 356-09-020, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-020, filed 1/2/87.]

WAC 356-09-030 Affirmative action program—Affirmative action plan—Elements. (1) Agencies that are required to maintain an affirmative action plan shall develop them in accordance with the department of personnel affir-

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mativ action program guidelines. Affirmative action plans will be submitted for review to the department of personnel.

(2) Affirmative action plan updates will be submitted annually to the department of personnel for review and approval in accordance with the department of personnel guidelines.

(3) Affirmative action plans must contain, but are not limited to the following elements:

(a) Equal employment opportunity/affirmative action policy statement endorsed by the agency head.

(b) Designation of responsibility for implementation and maintenance of the plan.

(c) Dissemination of plan and policy.

(d) Utilization analysis.

(e) Goals.

(f) Identification of problem areas.

(g) Action programs to achieve goals.

(h) Monitoring and reporting procedures.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-030, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-09-030, filed 1/2/87.]

WAC 356-09-040 Affirmative action program—Responsibilities—Department of personnel. The department of personnel is responsible for administering the state's affirmative action program and providing technical assistance to state agencies in the development and implementation of their affirmative action programs. In keeping with these responsibilities, the department of personnel will accomplish the following:

(1) Publish guidelines that will assist agencies in developing and implementing their affirmative action plan.

(2) Provide agencies with the data required to develop and implement affirmative action goals.

(3) Review agency affirmative action plans and equal employment opportunity policy statements for compliance with applicable merit system rules and established affirmative action guidelines, and recommend changes as appropriate.

(4) When plans and policy statements are in compliance, recommend them for approval to the governor's affirmative action policy committee.

(5) With the assistance of state agencies, initiate the recruitment of affected group members, including target recruitment when appropriate.

(6) Monitor items submitted to the director for possible negative effect on affirmative action.

(7) Monitor affected group participation in agencies' human resource development activities.

(8) Monitor agencies' progress in meeting goals and addressing problems identified in their affirmative action program.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-09-040, filed 7/8/04, effective 8/8/04; 99-19-114, § 356-09-040, filed 9/21/99, effective 11/1/99; 99-05-043, § 356-09-040, filed 2/12/99, effective 4/1/99; 98-19-034, § 356-09-040, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-09-040, filed 1/2/87.]

WAC 356-09-050 Affirmative action program—Testing. (1) The department of personnel will make reason-

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able accommodations for persons of disability who require such during test procedures.

(2) The department of personnel may test persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age 40 and above after the closing date of the recruitment announcement, provided:

(a) A register exists for the class; and

(b) The employing agency or the state has not met affirmative action goals for the specific category for that class or job; and

(c) The category's representation in the state workforce is less than availability; and

(d) The applicant is a member of the category identified in (b) and (c) of this subsection, and met minimum qualifications at the time of application; and

(e) The applicant being examined has not been tested under the same recruitment announcement within the past thirty calendar days.

(f) The test may not be taken more than three times within a 12-month period unless the examination content has been substantially changed.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-09-050, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-034 (Order 388), § 356-09-050, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-09-050, filed 1/2/87.]

Chapter 356-10 WAC CLASSIFICATION

WAC

356-10-010	Classification plan—Preparation—Content.
356-10-020	Classification plan—Revision.
356-10-030	Positions—Allocation—Reallocation.
356-10-040	Employee appointment status—Downward reallocation.
356-10-045	Employee appointment status—Lateral reallocation.
356-10-050	Employee appointment status—Upward reallocation.
356-10-060	Allocation—Request for review.

WAC 356-10-010 Classification plan—Preparation—Content. The director shall maintain a position classification plan in consultation with agency management, employee organizations and other knowledgeable persons. The plan shall be based upon investigation and analysis of the duties and responsibilities of each position. The completed plan shall include the following for each class: A specification, including appropriate title, description of duties and responsibilities and minimum requirements and/or desirable training, experience, or other qualifications.

[Order 36, § 356-10-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-010.]

WAC 356-10-020 Classification plan—Revision. Proposed revisions to the classification plan shall be submitted to the director for review and approval.

(1) The director shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The director may modify the proposals.

(2) In adopting these revisions the director shall comply with RCW 41.06.152, 41.06.150(12), and chapter 43.88 RCW.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-10-020, filed 7/8/04, effective 8/8/04; 02-15-050, § 356-10-020, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-10-020, filed 9/10/98, effective 10/12/98; 96-11-062, § 356-10-020, filed 5/10/96, effective 6/6/96; 95-19-054, § 356-10-020, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-10-020, filed 9/22/93, effective 10/23/93; Order 36, § 356-10-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-020.]

WAC 356-10-030 Positions—Allocation—Reallocation. (1) Position allocations or reallocations shall be based upon an investigation of duties and responsibilities assigned and/or performed and other information and recommendations. Every position shall be allocated to an established class.

(2) Allocations may be made by:

(a) The director or designated staff of the department of personnel; OR,

(b) By agency directors or other designees authorized under subsection (3) of this section.

(3) Agency directors may request and the director of personnel may approve, the authorization of the agency director or designee to approve or disapprove the allocation or reallocation of positions for which the agency has been delegated allocation authority under the merit system rules and procedures approved by the director of personnel.

(4) It shall be the duty of the appointing authority and/or the personnel representative to report to the director of personnel any changes in duties, responsibilities or organization in a position which may affect position allocation.

(5) Agencies shall establish procedures for processing and reporting new positions, changes in position duties, and requests for position review to provide proper maintenance of the classification plan. The procedure shall provide for individual employee requests for position review, based on duties and responsibilities, through the agency personnel office to the director of personnel. This procedure will not cause undue delay in the director of personnel or designee reviewing the requested reclassification. Such procedures shall be reviewed and approved by the director of personnel or designee. Notice of changes in this procedure initiated by agencies, will be provided to exclusive bargaining representatives and a copy to the director of personnel.

(6) Questions concerning the previous classification of employees due to the retitling, reallocating or reclassification of positions will be determined by the director of personnel or designee.

(7)(a) Employees affected by agency initiated reallocations shall be notified in writing by the agency not less than twenty calendar days in advance of the intended date of the action, provided that this notice requirement shall not preclude the establishment of effective dates for other than competitive reallocations as provided in WAC 356-10-050.

(b) Any official authorized in subsection (2) of this section to make allocation or reallocation determinations shall immediately transmit a written notice of the determination to the employee in the position affected by that determination.

[Statutory Authority: RCW 41.06.150. 88-15-060 (Order 303), § 356-10-030, filed 7/18/88, effective 9/1/88. Statutory Authority: RCW 41.06.150(17). 79-03-010 (Order 128), § 356-10-030, filed 2/14/79; 78-12-026 (Order 126), § 356-10-030, filed 11/15/78; Order 77, § 356-10-030, filed 5/7/75; Order 75, § 356-10-030, filed 3/24/75; Order 36, § 356-10-030, filed

7/1/71, effective 8/1/71. Formerly WAC 356-08-030, 356-08-040, 356-08-050 and 356-16-175.]

WAC 356-10-040 Employee appointment status—

Downward reallocation. Employees in positions that are reallocated downward are affected as follows:

(1) The director of personnel shall notify the incumbent and the employing agency in writing at least thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in the reallocated position provided the employee meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If the employee does not meet the qualifications for the new classification as provided in subsection (2) of this section and the employee is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) An employee who remains in a position which is reallocated downward may have his or her name placed upon the agency reduction in force register for the classification to which the position was previously allocated.

(5) Employees who continue in positions which are reallocated downward shall be paid an amount equal to their previous salary if such amount is within the salary range for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the range for the lower class shall be Y-rated.

(6) Employees shall retain their existing periodic increment date.

(7) Employees who retain their salary as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if an employee's salary falls between the steps of the higher range, the salary will advance to the closest step for the class in the higher range upon promotion.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-10-040, filed 3/19/01, effective 5/1/01; 85-11-074 (Order 223), § 356-10-040, filed 5/22/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-040, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-10-040, filed 11/28/83; Order 109, § 356-10-040, filed 9/7/77; Order 90, § 356-10-040, filed 9/7/76, effective 10/8/76; Order 36, § 356-10-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-060.]

WAC 356-10-045 Employee appointment status—

Lateral reallocation. Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as pro-

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vided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of director action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-10-045, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-10-045, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-045, filed 8/10/84.]

WAC 356-10-050 Employee appointment status—

Upward reallocation. Employees in positions that have been reallocated upward are affected as follows:

(1) Employee must compete at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

(2) Employees in positions that have been reallocated upwards based on duties of a higher level classification performed for over one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee; and

(b) The department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-10-050, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-070 (Order 368), § 356-10-050, filed 1/16/91, effective 3/1/91; 90-01-110 (Order 329), § 356-10-050, filed 12/20/89, effective

2/1/90. Statutory Authority: RCW 41.06.150. 88-17-041 (Order 306), § 356-10-050, filed 8/15/88; 88-15-060 (Order 303), § 356-10-050, filed 7/18/88, effective 9/1/88. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-10-050, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-10-050, filed 9/16/80; 79-03-010 (Order 128), § 356-10-050, filed 2/14/79; 78-12-026 (Order 126), § 356-10-050, filed 11/15/78; 78-10-070 (Order 123), § 356-10-050, filed 9/26/78; Order 84, § 356-10-050, filed 10/20/75, effective 11/17/75; Order 64, § 356-10-050, filed 3/20/74; Order 36, § 356-10-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-080.]

WAC 356-10-060 Allocation—Request for review. A review by the director of personnel or designee of the allocation, reallocation of a position, or incumbent status may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: Provided, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-10-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-154 (Order 429), § 356-10-060, filed 9/22/93, effective 11/1/93. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-10-060, filed 11/16/81; 80-13-047 (Order 147), § 356-10-060, filed 9/16/80; 79-03-010 (Order 128), § 356-10-060, filed 2/14/79; 78-12-026 (Order 126), § 356-10-060, filed 11/15/78; 78-10-070 (Order 123), § 356-10-060, filed 9/26/78; Order 87, § 356-10-060, filed 5/4/76, effective 6/5/76; Repealed by Order 81, § 356-10-060, filed 8/21/75, effective 9/21/75*; Order 36, § 356-10-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-090.]

***Reviser's note:** The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

**Chapter 356-14 WAC
COMPENSATION PLAN**

WAC

356-14-010	Compensation plan—General provisions.
356-14-026	Salary surveys.
356-14-031	Compensation plan—Adoption.
356-14-045	Salaries—Comparable worth.
356-14-062	Compensation plan—Fiscal impact.
356-14-065	Salary—Teachers of the deaf or blind.
356-14-067	Salary—Classes requiring licensure as registered nurse.
356-14-070	Salary—Limits.
356-14-075	Y-rate—Administration.
356-14-080	Salary—Entrance.
356-14-085	Salaries—Reduction in force register appointment.
356-14-090	Salary—Reemployment.
356-14-100	Reporting of appointments above the minimum.
356-14-110	Salary—Periodic increment dates—Original—Subsequent.
356-14-120	Periodic increment date—Promotion.
356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date.
356-14-140	Promotion—Salary increase.
356-14-150	Salary—Adjustment upward—Status—Incumbents.
356-14-160	Salary—Voluntary demotion—Computation.
356-14-170	Salary—Elevation—Computation.
356-14-180	Salary—Reversion—Computation.
356-14-190	Salary—Part-time employment computation.
356-14-200	Salary—Interagency movement.
356-14-210	Salary—Accrued leave credits—Transfer—Effect.
356-14-220	Salary—Wage and hour records.
356-14-230	Salary—Duplicate payment.
356-14-240	Overtime compensation method.
356-14-250	Compensatory time—Maximum balance.
356-14-260	Compensatory time—Liquidation.
356-14-265	Compensatory time cash-out.
356-14-300	Relocation compensation.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

356-14-015	Salary and fringe benefit surveys—Requirements. [Statutory Authority: RCW 41.06.150. 86-14-071 (Order 253), § 356-14-015, filed 7/1/86, effective 8/1/86.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.
356-14-020	Compensation plan—Adoption. [Order 36, § 356-14-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-120.] Repealed by 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150.
356-14-021	Salary and fringe benefit survey plans—Intentions—Content. [Statutory Authority: RCW 41.06.150. 86-14-071 (Order 253), § 356-14-021, filed 7/1/86, effective 8/1/86.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.
356-14-025	Compensation—Housing committee—Responsibilities. [Order 77, § 356-14-025, filed 5/7/75.] Repealed by 78-05-025 (Order 119), filed 4/14/78. Statutory Authority: RCW 41.06.150(17).
356-14-030	Compensation plan—Approval by the director of the office of financial management. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-030, filed 4/14/78; Order 36, § 356-14-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-121.] Repealed by 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150.
356-14-035	Compensation plan submittal—Intentions—Content. [Statutory Authority: RCW 41.06.150. 86-14-071 (Order 253), § 356-14-035, filed 7/1/86, effective 8/1/86.] Repealed by 98-19-034, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150.
356-14-040	Compensation plan—Periodic review. [Order 36, § 356-14-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-180.] Repealed by 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150.
356-14-050	Compensation plan—Reporting periodic recommendations. [Statutory Authority: RCW 41.06.150(17). 78-05-025 (Order 119), § 356-14-050, filed 4/14/78; Order 36, § 356-14-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-181.] Repealed by 86-14-071

	(Order 253), filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150.
356-14-060	Compensation plan—Additional salary surveys and studies. [Statutory Authority: RCW 41.06.150. 87-15-045 (Order 280), § 356-14-060, filed 7/13/87, effective 9/1/87; Order 36, § 356-14-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-185.] Repealed by 02-15-049, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-14-125	Salary reviews—Management employees. [Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-125, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.
356-14-270	Salary—Overtime payment on separation from job. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-270, filed 5/12/78; Order 36, § 356-14-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-156.] Repealed by 86-12-025 (Order 248), filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.

WAC 356-14-010 Compensation plan—General provisions. The department of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

- (1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.
- (2) Salary range schedules including the first, intervening, and maximum steps of each range.
- (3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units.
- (4) Work period designation of each classification, or individual positions within a classification.
- (5) Rates of premium pay, shift premium, and standby pay schedules determined by the director in the same manner as are basic salaries.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-010, filed 7/8/04, effective 8/8/04; 02-15-049, § 356-14-010, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-14-010, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-010, filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-010, filed 11/16/81; Order 98, § 356-14-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-010, filed 5/4/76, effective 10/1/76*; Order 78, § 356-14-010, filed 5/19/75; Order 71, § 356-14-010, filed 12/30/74; Order 36, § 356-14-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-110, 356-08-115.]

***Reviser's note:** The effective date of Order 86, filed 5/4/76, was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

WAC 356-14-026 Salary surveys. Salary surveys will be undertaken in accordance with applicable portions of chapter 41.06 RCW.

[Statutory Authority: RCW 41.06.150. 02-15-049, § 356-14-026, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-14-026, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-026, filed 7/1/86, effective 8/1/86.]

WAC 356-14-031 Compensation plan—Adoption.

- (1) The compensation plan as developed under this chapter shall be presented to the director for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.
- (2) Twenty calendar days prior to the open hearing on the plan, the director of personnel shall circulate notice of the hearing to enable employee representatives and agencies affected to present their views either orally or in writing. The

notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The director may amend and adopt the plan at the hearing.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-031, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-14-031, filed 9/10/98, effective 10/12/98; 86-14-071 (Order 253), § 356-14-031, filed 7/1/86, effective 8/1/86.]

WAC 356-14-045 Salaries—Comparable worth. (1)

Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.

(2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.

(3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:

(a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the comparable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.

(b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the director's meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in director's meeting agenda.

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-045, filed 7/8/04, effective 8/8/04; 00-10-026, § 356-14-045, filed 4/24/00, effective 6/1/00; 98-19-034, § 356-14-045, filed 9/10/98, effective 10/12/98; 87-09-037 (Order 273), § 356-14-045, filed 4/14/87, effective 6/1/87; 86-14-071 (Order 253), § 356-14-045, filed 7/1/86, effective 8/1/86.]

WAC 356-14-062 Compensation plan—Fiscal impact.

The director will not consider fiscal impact in determining salaries. However, salary changes are subject to approval by the director of the office of financial management in accordance with provisions of chapter 43.88 RCW.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-14-062, filed 7/8/04, effective 8/8/04; 87-15-045 (Order 280), § 356-14-062, filed 7/13/87, effective 9/1/87.]

WAC 356-14-065 Salary—Teachers of the deaf or blind.

In accordance with RCW 72.05.140(2), teachers of the deaf or blind will be paid, beginning with their 1981-82 school year, the same salaries paid to certified employees of similar background and experience in School District #37, Vancouver, Washington.

New yearly schedules will be published when received from that school district.

[Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-14-065, filed 11/16/81.]

WAC 356-14-067 Salary—Classes requiring licensure as registered nurse. (1)

Effective October 1, 1990 the salary of employees in classes requiring licensure as a registered nurse shall be governed by the "N" range salary schedule.

(2) An employee's total length of experience as a registered nurse (RN) and/or licensed practical nurse (LPN), calculated as follows, shall determine the placement of an employee on the proper step within an "N" range:

(a) RN experience shall be credited year for year.

(b) Up to ten years LPN experience shall be credited at the rate of two years LPN experience equals one year of RN experience, for a maximum credit of five years.

(3) For employees hired on or after October 1, 1990: Unless the prospective employing agency has authorized a higher entrance salary step, placement on the proper step within an "N" range shall be determined by the employee's total length of experience as an RN and/or LPN, calculated as shown in (2)(a) and (b) of this section.

(4) For employees hired prior to October 1, 1990:

(a) Placement on proper step:

(i) Except for employees described in (4)(a)(ii) of this section, effective October 1, 1990 employees will be placed on the proper step of the "N" range for their class based upon total length of experience as an RN and/or LPN, calculated as shown in (2)(a) and (b) of this section.

(ii) Employees who were hired above the entrance salary step and do not have the experience level now assigned that step in the new "N" range salary schedule will retain their current step in the "N" range.

(b) Treatment of periodic increment date (PID).

(i) The PID for employees placed within steps A-K shall be made in accordance with WAC 356-14-110. Advancement through these steps is made at the same intervals as through a standard range.

(ii) Once an employee advances beyond step K, a new PID must be calculated based on the length of total experience working in a position requiring licensure as a registered nurse. For example, an employee with 11 years and 6 months of nursing experience who is currently at step P would have a PID set so advancement to step Q would occur in 6 months, whereas an employee with 10 years and 3 months of experience would have a PID set in 21 months.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-067, filed 3/19/01, effective 5/1/01. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-23-030 (Order 361), § 356-14-067, filed 11/14/90, effective 12/15/90.]

WAC 356-14-070 Salary—Limits. (1) No employee shall be compensated at a basic salary rate greater than the maximum or less than the minimum step of the salary range to which the class had been allotted, unless the director authorizes a different rate in cases of reallocation downward or in other cases involving unusual circumstances where equity requires a different rate of pay.

(2) The appointing authority may authorize a salary adjustment for an employee within the salary range of the current class to address issues that are related to recruitment and retention, such as equity, alignment, or competitive market conditions.

(3) On appeals from reallocation downward the decision of the director or designee, and/or the personnel appeals board, may be made effective retrospectively to the effective date of the appealed reallocation. In all other cases the decision shall only be made effective prospectively. All such requests and justifications must be submitted to the board in writing within 15 calendar days from the effective date of the action from which the request originates.

[Statutory Authority: RCW 41.06.150. 00-16-004, § 356-14-070, filed 7/20/00, effective 9/1/00; 98-19-034, § 356-14-070, filed 9/10/98, effective 10/12/98; Order 96, § 356-14-070, filed 12/10/76, effective 1/12/77; Order 36, § 356-14-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-130.]

WAC 356-14-075 Y-rate—Administration. (1) A Y-rate is a dollar amount that is treated as the basic salary for an employee.

(2) A Y-rate is set by the director of personnel or other provisions of the merit system rules at an amount other than that which would be paid if such action were not taken.

(3) A Y-rate will remain in effect until one of the following occurs:

(a) A specific date established by the director of personnel is reached; or

(b) The employee voluntarily leaves the position occupied when the Y-rate was approved except for transfers due to reduction-in-force; or

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(c) The range for the employee's present class is increased to include the Y-rate amount which formerly exceeded the top of the range. At that time, the employee's basic salary shall become the maximum step of the salary range for the class; or

(d) The range for the employee's present class is increased, but had already encompassed the employee's Y-rate, which was between normal steps. At that time, the employee's basic salary shall advance to the normal step of the range which provides the closest to, but not greater than, the increase in the range; or

(e) The employee's salary is reduced pursuant to WAC 356-34-020; or

(f) The Y-rate is subsequently modified by the director of personnel.

(4) A Y-rate will not cause the employee's periodic increment date to change.

(5) Salary increases approved by the legislature shall not move the basic salary of a Y-rated employee higher than the top step of the salary range assigned to that employee's classification, unless the salary appropriations act specifically provides for increases above the top step for Y-rated employees.

(6) The director of personnel shall keep records of all Y-rate approvals.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-075, filed 3/19/01, effective 5/1/01. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-087 (Order 420), § 356-14-075, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 86-17-038 (Order 256), § 356-14-075, filed 8/15/86, effective 10/1/86; 85-09-030 (Order 221), § 356-14-075, filed 4/12/85; Order 109, § 356-14-075, filed 9/7/77; Order 96, § 356-14-075, filed 12/10/76, effective 1/12/77; Order 92, § 356-14-075, filed 10/5/76, effective 11/5/76.]

WAC 356-14-080 Salary—Entrance. The entrance salary for an employee shall be the minimum salary step of the range unless the prospective employing agency has authorized a higher entrance salary step.

[Order 75, § 356-14-080, filed 3/24/75; Order 36, § 356-14-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-131.]

WAC 356-14-085 Salaries—Reduction in force register appointment. When an eligible is appointed from a certification off of a reduction in force register, his/her salary will be set as follows:

(1) If the employee was demoted due to a reduction in force action or the reallocation of a position downward, the salary will be the basic dollar amount the employee was being paid at the time he/she left the range to which he/she is being appointed, plus, whatever the periodic increases and the salary adjustments that would have been made had the employee remained in that classification and range. If the employee was separated from state service due to a reduction in force action, the separation will not be regarded as a break in service. An eligible still employed by the state will not be entitled to further increases in salary based on promotion as prescribed in WAC 356-14-140.

(2) Such increases above the basic dollar amount in (1) above shall not place the employee higher than the maximum salary for the range, except general salary increase specifically granted to Y rated employees.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-085, filed 3/19/01, effective 5/1/01; 83-06-005 (Order 180), § 356-14-085, filed 2/18/83. Statutory Authority: RCW 41.06.150(17). 81-11-032 (Order 154), § 356-14-085, filed 5/19/81; 81-01-054 (Order 150), § 356-14-085, filed 12/12/80.]

WAC 356-14-090 Salary—Reemployment. An employee appointed from the reemployment register as provided in these rules shall be compensated at the same salary step when last permanently employed in the classification to which he/she is being reemployed unless the agency authorizes a higher salary as provided in WAC 356-14-080.

[Statutory Authority: RCW 41.06.150. 82-11-061 (Order 170), § 356-14-090, filed 5/14/82; Order 75, § 356-14-090, filed 3/24/75; Order 36, § 356-14-090, filed 7/1/71, effective 8/1/71.]

WAC 356-14-100 Reporting of appointments above the minimum. The employing agencies shall retain records of all appointments above the minimum and shall furnish such records to the director upon request.

[Order 75, § 356-14-100, filed 3/24/75; Order 36, § 356-14-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-132.]

WAC 356-14-110 Salary—Periodic increment dates—Original—Subsequent. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment when a two-increment increase will place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, when the employee's basic salary is between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 356-15 WAC.

(3) The periodic increment date for an employee is six continuous months from the date the employee began work, provided that:

(a) Any work period starting before the 16th of the month will count as a full month.

(b) Any work period starting after the 15th of the month will not be counted.

(4) An employee's periodic increment date shall be set and remain the same for any period of continuous service, except as provided in WAC 356-14-067.

(5) Employees hired at step K prior to May 1, 2001 who did not receive a periodic increment date shall have their periodic increment date set six months from the original hire date.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-110, filed 3/19/01, effective 5/1/01; 95-19-054, § 356-14-110, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-14-110, filed 9/22/93, effective 10/23/93. Statutory

Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-110, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-110, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-110, filed 9/18/79; 78-06-017 (Order 120), § 356-14-110, filed 5/12/78; Order 109, § 356-14-110, filed 9/7/77; Order 36, § 356-14-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-134.]

WAC 356-14-120 Periodic increment date—Promotion. Employees who receive a salary increase through promotion shall retain their present periodic increment date.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-14-120, filed 3/19/01, effective 5/1/01; 85-19-078 (Order 230), § 356-14-120, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-120, filed 8/10/84. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-14-120, filed 9/18/79; Order 109, § 356-14-120, filed 9/7/77; Order 36, § 356-14-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-135.]

WAC 356-14-130 Salary—Concurrence of probation, trial service, and periodic increment date. When the date of promotion and the periodic increment date coincide, the periodic increment shall be paid prior to the promotional increase. Periodic increment dates and completion dates for probationary and trial service periods shall be computed separately.

[Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-14-130, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-14-130, filed 8/10/84; Order 36, § 356-14-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-136 and 356-08-137.]

WAC 356-14-140 Promotion—Salary increase. (1) The appointing authority shall advance an employee, who is promoted to a class whose base range is less than six ranges higher than the base range of the former class, to the step of the range for the new class which is nearest to 5% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

(2) The appointing authority shall advance an employee who is promoted under any one or more of the following conditions to the step of the range for the new class which is nearest to 10% higher than the amount of the prepromotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(a) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(b) When the employee is promoted over an intervening class in the same class series.

(c) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(d) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

(3) When an employee is promoted from a Y-rate salary, the Y-rate shall first terminate, and the promotional increase shall be calculated from the next-lower step of the range for

the class from which promoted. The calculation will then be completed as illustrated in 1 or 2 of this section.

(4) No assignment pay or other special pay provision, except applicable comparable worth ranges, shall be considered in calculating promotional increases.

(5) Promotional increases for T-ranges (teachers and principals) are calculated in the manner described in the compensation plan and WAC 356-15-140.

(6) An employee who is working in a position which is included in an approved class series study, and who accepts a promotion within that agency to a classification impacted by the same study, shall be paid not less than the salary that would have been paid if the employee had remained in the former position and benefited from an upward reallocation. The new higher salary must be on a step within the range for the new class to which the employee is promoted, and shall be effective on the effective date of the class study.

(7) Promotional increases for classes requiring licensure as a registered nurse ("N" ranges) are calculated in the manner described below.

An employee who is promoted into or between classes which have special pay range "N" shall advance to the step in the new range, as shown in the "N" range salary schedule, which represents the greater of (a), (b) or (c) below.

(a) Placement on the step which coincides with the employee's total length of experience as a registered nurse (RN) and/or licensed practical nurse (LPN). Experience shall be credited as follows:

(i) RN experience shall be credited year for year.

(ii) Up to ten years LPN experience shall be credited at the rate of two years LPN experience equals one year of RN experience, for a maximum credit of five years.

or

(b) Placement on the step of the new range which is nearest to a minimum of 5% higher than the amount of the pre-promotional step. The appointing authority may authorize more than a 5% increase, but the amount must be on a step within the salary range for the class.

or

(c) The appointing authority shall advance an employee who is promoted under any one or more of the following conditions to the step of the range for the new class which is nearest to a minimum of 10% higher than the amount of the pre-promotional step. The appointing authority may authorize more than a 10% increase, but the amount must be on a step within the salary range for the class.

(i) When the employee is promoted to a class whose base range is six or more ranges higher than the base range of the employee's former class.

(ii) When the employee is promoted over an intervening class in the same class series.

(iii) When the employee is promoted from one class series to a higher class in a different series and over an intervening class in the new series which would have represented a promotion.

(iv) When an employee's promotion requires a change of residence to another geographic area to be within a reasonable commuting distance of the new place of work.

(2005 Ed.)

[Statutory Authority: RCW 41.06.150. 00-23-060, § 356-14-140, filed 11/14/00, effective 1/1/01; 00-16-005, § 356-14-140, filed 7/20/00, effective 9/1/00. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-23-030 (Order 361), § 356-14-140, filed 11/14/90, effective 12/15/90. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-14-140, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150(17). 80-03-024 (Order 141), § 356-14-140, filed 2/19/80; 79-10-064 (Order 133), § 356-14-140, filed 9/18/79; 78-06-017 (Order 120), § 356-14-140, filed 5/12/78; Order 109A, § 356-14-140, filed 10/6/77, effective 11/6/77; Order 109, § 356-14-140, filed 9/7/77; Order 36, § 356-14-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-139.]

WAC 356-14-150 Salary—Adjustment upward—Status—Incumbents. The following provisions apply to employees occupying positions in classes which have been adjusted upward in salary ranges:

(1) Adjustment in salary range based on salary survey, no change in class concept, duties, and responsibilities.

(a) Employee retains existing appointment status.

(b) Salary is adjusted to the same step in new range as held in previous range.

(2) Adjustment in salary range based on a change in duties and responsibilities in all positions in the class.

(a) Employee retains existing appointment status.

(b) Employee's salary is adjusted in accordance with the rules governing promotion.

[Order 36, § 356-14-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-084.]

WAC 356-14-160 Salary—Voluntary demotion—Computation. (1) An employee accepting a demotion shall receive credit for all continuous employment in the higher range in determining the step in the lower salary range except that the employee who has not been employed in a lower salary range shall be reduced on a step-for-step basis.

(2) Exceptional qualifications or unusual circumstances may warrant a salary different than prescribed above. In such cases, the employing agency may authorize a higher salary step within the lower salary range. Employing agencies shall retain records of such actions.

[Order 77, § 356-14-160, filed 5/7/75; Order 36, § 356-14-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-150.]

WAC 356-14-170 Salary—Elevation—Computation. When an employee has been elevated following a demotion, the salary shall be computed by the rule governing promotion.

[Order 82, § 356-14-170, filed 9/26/75; Order 36, § 356-14-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.]

WAC 356-14-180 Salary—Reversion—Computation. Reverted employees shall be paid at the step of the salary range which they normally would have received had they not been promoted or demoted.

[Statutory Authority: RCW 41.06.150. 85-15-043 (Order 228), § 356-14-180, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-14-180, filed 5/12/78; Order 36, § 356-14-180, filed 7/1/71, effective 8/1/71.]

WAC 356-14-190 Salary—Part-time employment computation. Part-time employment shall be compensated on the basis of the ratio of hours worked to those required for full-time employment.

[Order 36, § 356-14-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-140.]

WAC 356-14-200 Salary—Interagency movement.

An employee who moves from one agency to another shall remain on his/her present payroll through the final calendar day preceding the change and be entered upon the payroll of the new employing agency upon his/her first work day. If the change occurs following the last day of the month, he/she shall be entered on the new employer's payroll on the first day of the succeeding month.

[Statutory Authority: RCW 41.06.150(17), 78-06-017 (Order 120), § 356-14-200, filed 5/12/78; Order 36, § 356-14-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-141.]

WAC 356-14-210 Salary—Accrued leave credits—

Transfer—Effect. When an employee moves from one state agency to another, regardless of status and with no interruption in service, the accrued leave shall be transferred to the new agency even though the employee may not be eligible to use the vacation leave until he/she has completed a total of six months' continuous service. The employee is not entitled to separation pay for the accrued leave as a result of the change. Pay for the accrued vacation leave is due only when an employee separates from state service. Movement from one agency to another is not termination of employment with state government.

[Statutory Authority: RCW 41.06.150(17), 78-06-017 (Order 120), § 356-14-210, filed 5/12/78; Order 36, § 356-14-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-145.]

WAC 356-14-220 Salary—Wage and hour records.

(1) Each agency shall maintain records of its employees' overtime accrual and compensation separate from the scheduled work and compensation record. These time records will be subject to review by the director.

(2) For its employees covered by the overtime provisions of the FLSA, each agency shall maintain for at least three years records of the wages, hours, and other conditions and practices of employment that it maintains. Although no official forms are required, records shall include:

- Name, home address and birthdate
- Sex and class title
- Hour and day when workweek begins
- Regular hourly pay rate for any week when overtime is worked
- Hours worked each workshift and total hours worked each workweek
- Total daily or weekly or monthly straight time earnings
- Deductions or additions to wages
- Total wages paid each pay period
- Date of payment and pay period covered

These records may be subject to review by the Wage and Hour Division of the U.S. Department of Labor.

(3) Disposal of these records will be accomplished in accordance with the provisions of chapter 40.14 RCW.

[Statutory Authority: RCW 41.06.150, 85-11-074 (Order 223), § 356-14-220, filed 5/22/85; Order 78, § 356-14-220, filed 5/19/75; Order 36, § 356-14-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-150.]

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WAC 356-14-230 Salary—Duplicate payment. Nothing in this rule shall be interpreted in such a manner as to result in duplicate payment for the same work time. Where time worked by an employee would qualify for premium payment under more than one article, that article authorizing the highest compensation shall apply provided that: Nothing herein shall preclude payment of premiums for shift premium and overtime for the same hours. Assignment pay shall be paid as authorized in the compensation plan regardless of other premiums being paid concurrently.

[Statutory Authority: RCW 41.06.150, 85-14-008 (Order 224), § 356-14-230, filed 6/24/85; Order 36, § 356-14-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-151.]

WAC 356-14-240 Overtime compensation method.

Overtime for state employees shall be compensated in accord with WAC 356-15-030.

(1) Scheduled, nonscheduled, and law enforcement employees shall be compensated in cash or compensatory time off, both at the rate of time-and-one-half. Cash payment shall be at the overtime rate, while compensatory time shall be credited as 1.5 hours of compensatory time for each hour of overtime worked. (See WAC 356-14-265 for computing cash value compensatory time.)

Compensatory time off may be used in lieu of cash only when an agency and the employee agree, except as provided for law enforcement positions in WAC 356-15-030 (4)(a). When compensatory time off is utilized, it shall be liquidated in accord with WAC 356-14-260.

(2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

[Statutory Authority: RCW 41.06.150, 96-02-073, § 356-14-240, filed 1/3/96, effective 2/3/96; 87-11-036 (Order 275), § 356-14-240, filed 5/18/87, effective 7/1/87; 86-12-025 (Order 248), § 356-14-240, filed 5/28/86, effective 7/1/86; Order 98, § 356-14-240, filed 1/13/77, effective 2/13/77; Order 86, § 356-14-240, filed 5/4/76, effective 10/1/76; Order 78, § 356-14-240, filed 5/19/75; Order 36, § 356-14-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-152, 356-08-158.]

WAC 356-14-250 Compensatory time—Maximum balance. The maximum compensatory time balance may not exceed 480 hours for employees engaged in public safety, emergency response, or seasonal activities (as may be defined in the Code of Federal Regulations chapter 29), or 240 hours for all other employees.

[Statutory Authority: RCW 41.06.150, 86-12-025 (Order 248), § 356-14-250, filed 5/28/86, effective 7/1/86; 83-15-047 (Order 188), § 356-14-250, filed 7/20/83; Order 65, § 356-14-250, filed 4/22/74; Order 36, § 356-14-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-154.]

(2005 Ed.)

WAC 356-14-260 Compensatory time—Liquidation.

Agencies may require that compensatory time off shall be scheduled as soon as possible after accrual and with due regard for the employee's needs, insofar as this can be accomplished without detracting from sound and orderly administration. Accumulated compensatory time shall be granted for the following purposes:

(a) Purpose of WAC 356-18-145, Family and Medical Leave Act of 1993. Compensatory time taken for the situations described in WAC 356-18-145(2) shall not be counted as part of the 12 weeks total absence granted for Family and Medical Leave Act.

(b) Purpose of WAC 356-18-150, Newborn, adoptive, or foster child care.

(c) To care for a child with a health condition that requires treatment or supervision.

(d) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

Agencies may require that accumulated compensatory time be liquidated before vacation leave is granted except in those instances where this procedure would result in loss of accumulated vacation leave.

[Statutory Authority: RCW 41.06.150. 02-23-042, § 356-14-260, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-14-260, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-14-260, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-029 (Order 288), § 356-14-260, filed 11/24/87, effective 1/1/88; 83-12-002 (Order 184), § 356-14-260, filed 5/19/83; Order 36, § 356-14-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-08-153, 356-08-155.]

WAC 356-14-265 Compensatory time cash-out. (1)

All of an employee's accrued compensatory time shall be compensated in cash under the following circumstances:

(a) At the end of each biennium (June 30 of each odd-numbered year) or at more frequent intervals set by the employing agency.

(b) When the employee separates from state service for any reason, including death.

(c) When the employee moves from one state agency to another. Payment will be made by the agency in which the compensatory time was accrued; except that if a function or program, together with assigned employees, is transferred from one to another agency, all accumulated compensatory time shall also be transferred.

(2) When accrued compensatory time is cashed out as the result of death or other termination of employment, it shall be at a rate of not less than:

(a) The average "regular rate" (defined in WAC 356-05-353) received by the employee during the last three years of employment; or

(b) The final regular rate received by the employee, whichever is higher.

(3) When accrued compensatory time is cashed out for any reason other than death or termination of employment, it shall be at the current "regular rate."

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-14-265, filed 5/28/86, effective 7/1/86.]

(2005 Ed.)

WAC 356-14-300 Relocation compensation. (1) An agency director may authorize lump sum relocation compensation, within existing resources, whenever

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the state is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the person to repay the relocation compensation.

(3) Prior to authorizing lump sum relocation compensation, each agency shall develop written criteria which includes:

(a) Defining the circumstances in which relocation compensation will be granted; and

(b) The method used in determining the amount of compensation.

[Statutory Authority: RCW 41.06.150. 99-19-119, § 356-14-300, filed 9/21/99, effective 11/1/99.]

Chapter 356-15 WAC

COMPENSATION PLAN APPENDIX

WAC

356-15-010	Compensation plan appendix—Preparation—Provisions.
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356-15-035	Dual employment.
356-15-040	Travel time.
356-15-050	Holiday compensation.
356-15-060	Shift premium provisions and compensation.
356-15-061	Shift premium schedule.
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356-15-090	Schedule change and compensation.
356-15-095	Flexible time schedules.
356-15-100	Call-back for work preceding or following a scheduled workshift.
356-15-110	Call-back for work on scheduled days off or holidays.
356-15-125	Assignment pay provisions.
356-15-130	Special pay ranges.
356-15-140	School year contracts for nonteaching staff.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-15-120	Special assignment pay provisions. [Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-15-120, filed 6/15/81; 79-12-012 (Order 137), § 356-15-120, filed 11/13/79; 79-08-029 (Order 130), § 356-15-120, filed 7/16/79; 79-01-023 (Order 127), § 356-15-120, filed 12/18/78; 78-12-026 (Order 126), § 356-15-120, filed 11/15/78; 78-07-008 (Order 121), § 356-15-120, filed 6/12/78; Order 110, § 356-15-120, filed 10/6/77; Order 100, § 356-15-120, filed 3/30/77; Order 98, § 356-15-120, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-120, filed 5/4/76, effective 10/1/76.*] Repealed by 81-23-031 (Order 163), filed 11/16/81. Statutory Authority: RCW 41.06.150(17).
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***Reviser's note:** The effective date of Order 86, filed 5/4/76, was postponed until January 1, 1977, by Emergency Order 91, filed 9/9/76.

WAC 356-15-010 Compensation plan appendix—Preparation—Provisions. The director shall establish rules as an appendix to the compensation plan which shall provide for:

- (1) Definitions of work period designations.
- (2) Definitions of authorized overtime and the rate of overtime compensation for all work period groups.
- (3) Compensation rates and provisions for holidays, travel time, shift differential, split shift, standby, shift changes, call back, and work on scheduled days off or holidays.
- (4) Definitions and provisions for special pay assignments and special pay ranges.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-010, filed 7/8/04, effective 8/8/04; Order 98, § 356-15-010, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-010, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-020 Work period designations. (1) The director shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the director shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The director may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) **Scheduled (S):**

(i) Standard: Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours.

(ii) Alternate: Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) Unlisted: Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) **Nonscheduled (NS):** Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) **Law enforcement (1):** Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) **Exceptions (e):** Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-020, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-15-020, filed 9/10/98, effective 10/12/98; 88-05-028 (Order 294), § 356-15-020, filed 2/12/88, effective 4/1/88; 87-24-027 (Order 286), § 356-15-020, filed 11/24/87, effective 1/1/88; 86-12-025 (Order 248), § 356-15-020, filed 5/28/86, effective 7/1/86; 86-01-014 (Order 239), § 356-15-020, filed 12/6/85; 85-01-083 (Order 212), § 356-15-020, filed 12/19/84; 83-24-002 (Order 193), § 356-15-020, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-05-034 and 82-06-009 (Order 167 and 167-A), § 356-15-020, filed 2/16/82 and 2/19/82; 79-10-064 (Order 133), § 356-15-020, filed 9/18/79; Order 113, § 356-15-020, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-020, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-020, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-030 Overtime provisions and compensation. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the work-shift within the work day.

(b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled four-

teen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other state holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) Exceptions work period employees are not required to be compensated beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.

(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.

(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can

be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.

(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.

(d) Accumulated exchange time shall be granted for the purposes of WAC 356-18-145, Family and Medical Leave Act of 1993, or WAC 356-18-150, Newborn, adoptive, or foster child care.

(e) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(f) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation.

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-15-030, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-15-030, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 87-24-026 (Order 285), § 356-15-030, filed 11/24/87, effective 1/1/88; 87-19-066 (Order 282), § 356-15-030, filed 9/16/87, effective 11/1/87; 87-10-037 (Order 274), § 356-15-030, filed 5/1/87, effective 6/1/87; 86-21-047 (Order 260), § 356-15-030, filed 10/10/86, effective 12/1/86; 86-12-025 (Order 248), § 356-15-030, filed 5/28/86, effective 7/1/86; 86-01-014 (Order 239), § 356-15-030, filed 12/6/85; 84-02-030 (Order 194), § 356-15-030, filed 12/30/83. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-15-030, filed 9/18/79; Order 113, § 356-15-030, filed 11/30/77, effective 1/1/78; Order 98, § 356-15-030, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-030, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-035 Dual employment. An employee in a merit system position may accept simultaneous employment in a different position only if the hours of work do not

overlap; and all merit system employers know and agree to the other employment; and one of the following three conditions applies.

(1) Regular dual employment—Related employers. The dual employment occurs on a regular basis either within merit system agencies, or among employers who use the employee on a project which is shared by a merit system employer of that person.

If the majority of work done in all such positions is covered by the overtime provisions of the Fair Labor Standards Act, then all work in all such positions is subject to the Fair Labor Standards Act, even though an entire position might otherwise have been exempt.

Overtime responsibility for FLSA-covered dual employment:

(a) Each state merit system agency shall calculate and pay any overtime earned on its own position, using the overtime rate as defined in WAC 356-05-231.

(b) In addition, each agency shall determine the number of hours actually worked each week by the employee on all dual employment positions. If the total of all hours worked exceeds forty, then dual employment overtime must be calculated.

(c) Dual employment overtime is calculated for the combination of positions as follows:

(i) Add together for the pay period: Straight-time pay for all hours actually worked, shift premium, assignment pay, standby pay, the cost of employees' personal expenses such as meals, if these are for the employees' own benefit and not for the benefit of the employer. Do not include: The extra half-time pay which would be part of a normal time-and-one-half calculation; pay for holidays not worked or any other hours which were not actually worked; penalty payments such as call back, which are not based on the number of hours worked; per diem or other expense reimbursement; discretionary bonuses such as suggestion awards; group incentive awards authorized by RCW 41.60.120.

(ii) Divide this straight-time pay for all hours worked by the total number of hours actually worked within the pay period or work period. (Do not include standby hours as hours worked.) The result is the "dual employment hourly rate."

(iii) Calculate one-half of the "dual employment hourly rate" for all hours actually worked in excess of forty in any workweek, and add that amount to the total straight-time pay. If the total is greater than all the normal merit system basic salary and any additional compensation due from the individual employing agencies, then the excess must be paid as "dual employment overtime pay."

(iv) If all employers of a shared employee reach an agreement which assures full payment for each instance of dual employment overtime, they may share the cost according to their agreement. Otherwise, each employing agency shall pay the same proportion of "dual employment overtime pay" as its proportion of the total straight-time pay. Nothing in chapter 356-15 WAC is intended to lessen an agency's right to share part of an employee's services with another agency on an interagency reimbursement basis.

(2) Irregular dual employment—Same capacity or employer caused. A person is employed in any status in one merit system agency, and is also occasionally or sporadically

employed in the same job class or capacity in the same or different merit system agency; or is obligated by one merit system position to be employed in another.

Overtime responsibility: Overtime is payable under the provisions of subsection (1) of this section.

(3) Unrelated occasional or sporadic dual employment. An employee in one merit system position is occasionally or sporadically (not regularly) employed in a second position in the same or a different agency and the following conditions are true.

(a) Employment in the second position is solely at the option of the employee.

(b) The occasional or sporadic employment is in a different capacity than the regular employment.

Overtime responsibility: Any overtime earned by the employee shall be the exclusive responsibility of the agency in which the overtime occurs. Time worked in the occasional or sporadic position shall not be combined with time worked in any other position for the purpose of calculating overtime.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-035, filed 5/28/86, effective 7/1/86.]

WAC 356-15-040 Travel time. Travel time shall be considered as time worked when:

(1) It occurs during the employee's normal hours of work and is from one work site to another; or

(2) The employee has a regularly assigned work site, and the travel is to carry out a work assignment at a different location than the regularly assigned work site, to the extent that it exceeds normal home-to-work travel time, is outside of normal working hours, and does not exceed the shortest reasonable means for the employee to reach and return from the location.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-040, filed 5/28/86, effective 7/1/86; Order 98, § 356-15-040, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-040, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-050 Holiday compensation. (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition:

(a) Scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at the overtime rate.

(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed the overtime rate, when their appointing authority deems it appropriate.

(2) Part-time employees shall be compensated for holidays in accord with WAC 356-18-030(6).

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-15-050, filed 1/3/96, effective 2/3/96; 86-12-025 (Order 248), § 356-15-050, filed 5/28/86, effective 7/1/86; 85-23-048 (Order 238), § 356-15-050, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-15-050, filed 6/12/78; Order 98, § 356-15-050, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-050, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-060 Shift premium provisions and compensation. (1) Basic shift premium shall be paid in the

amount specified in WAC 356-15-061. For purposes of this section, regularly scheduled means the permanently assigned work schedule/work shift, not including overtime hours, as determined by the agency.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10:00 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Regularly scheduled evening and night shift employees are entitled to shift premium for all hours worked.

(b) Regularly scheduled day shift employees are not entitled to shift premium unless:

(i) The employee's regular or temporary scheduled work-shift includes hours after 6:00 p.m. and before 6:00 a.m. where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for those hours actually worked after 6:00 p.m. and before 6:00 a.m.

(ii) The employee is temporarily assigned a full evening or night shift where no overtime, schedule change pay, or call-back compensation is received. Shift premium is paid only for all evening or night-shift hours worked in this circumstance.

(c) Employees regularly scheduled to work at least one, but not all, evening and/or night shifts are entitled to shift premium for those shifts. Additionally, these employees are entitled to shift premium for all hours adjoining that evening or night shift which are worked.

(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6:00 p.m. and before 6:00 a.m.

(b) For assigned full evening or night shifts, as defined in subsection (2) of this section.

(5) **Monthly shift premium rates:** In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the director.

(6) **Shift premium and overtime:** When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(7) **Payment during leave and for holidays not scheduled to work:** Employees eligible for shift premium for their regularly scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their regularly scheduled shift.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-060, filed 7/8/04, effective 8/8/04; 98-09-066, § 356-15-060, filed 4/20/98, effective 6/1/98; 98-03-052, § 356-15-060, filed 1/16/98, effective 3/1/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-075, § 356-15-060, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-086 (Order 419), § 356-15-060, filed 5/28/93, effective 7/1/93; 92-14-063 (Order 406), § 356-15-060, filed 6/26/92, effective

(2005 Ed.)

8/1/92. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-060, filed 5/28/86, effective 7/1/86; 86-06-017 (Order 242), § 356-15-060, filed 2/24/86; 85-14-008 (Order 224), § 356-15-060, filed 6/24/85; 84-14-006 (Order 207), § 356-15-060, filed 6/22/84; 84-05-024 (Order 198), § 356-15-060, filed 2/10/84; Order 98, § 356-15-060, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-060, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-061 Shift premium schedule. (1) The shift premium is 50¢ an hour for evening and night shifts, and is payable only under conditions described in WAC 356-15-060.

(2) Registered nurses 1-4 and related job classes requiring licensure as a registered nurse, licensed practical nurse 1-3, mental health licensed practical nurse 2-4, and psychiatric security nurse shall receive a \$1.50 an hour shift differential.

[Statutory Authority: RCW 41.06.150. 01-23-015, § 356-15-061, filed 11/8/01, effective 1/1/02. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-028 (Order 382), § 356-15-061, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 41.06.150. 86-21-046 (Order 259), § 356-15-061, filed 10/10/86, effective 12/1/86; 85-14-008 (Order 224), § 356-15-061, filed 6/24/85.]

WAC 356-15-063 Supplemental shift premium for registered nurses. (1) Basic shift premium shall be paid in accordance with WAC 356-15-060 and 356-15-061. For the classes of registered nurse 1, 2, 3, and 4 and related job classes requiring licensure as a registered nurse, supplemental shift premium shall be paid in the amounts and under the conditions described in this section. Employees may qualify for one or both of these supplemental shift premiums.

(a) \$1.00 an hour during any hours assigned to work or while on paid leave from 11:00 p.m. until 7:00 a.m.

(b) \$3.00 an hour during any hours worked or while on paid leave from Friday midnight to Sunday midnight.

(2) Supplemental shift premiums are payable regardless of employment status and/or whether the work was prescheduled.

(3) Supplemental shift premiums are not payable during hours other than those specified.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-064 (Order 404), § 356-15-063, filed 6/26/92, effective 8/1/92; 91-20-028 (Order 382), § 356-15-063, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 41.06.150. 88-17-046 and 88-19-023 (Orders 305 and 305A), § 356-15-063, filed 8/16/88 and 9/12/88.]

WAC 356-15-070 Split shift provisions and compensation. When an employee's assigned workshift is split with a minimum of four intervening hours not worked, the employee shall receive the premium rate set in the shift premium rate designated in WAC 356-15-061 for all hours worked. The provisions of WAC 356-15-060 (5) through (7) shall apply to employees working split shifts.

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-15-070, filed 1/3/96, effective 2/3/96; 85-14-008 (Order 224), § 356-15-070, filed 6/24/85; 85-05-030 (Order 217), § 356-15-070, filed 2/15/85; Order 98, § 356-15-070, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-070, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-080 Standby compensation. (1) **Requirements:**

(a) An employee is in standby status while waiting to be engaged to work by the employer and both of the following conditions exist:

(i) The employee is required to be present at a specified location or is immediately available to be contacted. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status while waiting to be engaged to work when required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **Payment:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. Standby pay may be authorized by an agency for exceptions work period employees. Standby pay for exceptions work period employees may be compensated with exchange time.

(3) **Rate:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

[Statutory Authority: RCW 41.06.150. 02-19-063, § 356-15-080, filed 9/12/02, effective 11/1/02. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-027 (Order 381), § 356-15-080, filed 9/23/91, effective 10/24/91; 91-03-069 (Order 367), § 356-15-080, filed 1/16/91, effective 7/1/91. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-15-080, filed 7/16/87, effective 9/1/87; 86-12-025 (Order 248), § 356-15-080, filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-15-080, filed 10/26/82; 81-20-060 (Order 161), § 356-15-080, filed 10/5/81; Order 98, § 356-15-080, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-080, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-085 Hours of work. Requirements regarding working hours shall be specified for all employees by each agency but shall not result in full-time employment being compensated for less than forty hours per week.

[Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-085, filed 5/28/86, effective 7/1/86.]

WAC 356-15-090 Schedule change and compensation. (1) The agency shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agen-

cies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the agency changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the agency deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty nonovertime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, performing emergency response duty under an incident command system, defined in RCW 38.52.010, including controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For personnel in scheduled work period positions whose work is not performed under an incident command system, the agency shall not be bound by the above scheduled shift change notice requirement if the agency notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the agency shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (7) of this section.

(b) For personnel in scheduled work period positions whose work is performed under an incident command system, the above schedule change notice requirement shall not apply if the agency notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

Such employees, in the department of natural resources, performing emergency work who are receiving overtime compensation for work which meets subsection (1)(a) through (d) of WAC 356-15-030 and who continue working at the end of one workday into the next workday shall continue to receive overtime compensation thereafter until relieved from duty for a period of at least five consecutive hours or until released from further emergency work, whichever occurs first.

(6) In the department of corrections, office of correctional operations, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty-four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and

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356-15-110 for a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

[Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-090, filed 7/11/02, effective 9/1/02; 97-24-038, § 356-15-090, filed 11/26/97, effective

1/1/98; 96-02-073, § 356-15-090, filed 1/3/96, effective 2/3/96; 89-16-031 (Order 328), § 356-15-090, filed 7/25/89, effective 8/25/89; 89-10-040 (Order 317), § 356-15-090, filed 4/28/89, effective 6/1/89; 87-24-026 (Order 285), § 356-15-090, filed 11/24/87, effective 1/1/88; 87-10-037 (Order 274), § 356-15-090, filed 5/1/87, effective 6/1/87; 86-12-025 (Order 248), § 356-15-090, filed 5/28/86, effective 7/1/86; 83-18-031 (Order 191), § 356-15-090, filed 8/31/83; Order 114, § 356-15-090, filed 12/21/77; Order 98, § 356-15-090, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-090, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-095 Flexible time schedules. Each agency shall develop one or more flex-time schedules, all of which contain required fixed core hours of work, and each of which requires regular starting and quitting times other than 8 a.m. to 5 p.m., subject to the following conditions:

(1) No such schedules need be established if the agency head determines that such schedules would impede service to the public or impede the agency in accomplishing its mission.

(2) The agency may assign or reassign any employee or group of employees to any such schedule, subject to provisions of WAC 356-15-090.

(3) Employees may request assignment to flex-time schedules and the employing agency may grant or deny such assignment.

(4) Flex-time schedules affecting employees in a certified bargaining unit must be negotiated with the exclusive representative.

[Statutory Authority: RCW 41.06.150. 85-20-027 (Order 233), § 356-15-095, filed 9/24/85.]

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the department of corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

(4) In the department of natural resources and in lieu of (1) above, employees dispatched to emergency response duty under an incident command system, defined in RCW 38.52.010, will be paid a single call-back penalty payment equivalent to three hours of straight time pay if they begin to

perform emergency work after their scheduled quitting time on a scheduled work day. This provision applies separately to each emergency incident unless responding to more than one emergency incident from the same camp.

[Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-100, filed 7/11/02, effective 9/1/02; 99-19-113, § 356-15-100, filed 9/21/99, effective 11/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-037 (Order 359), § 356-15-100, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 41.06.150. 86-12-025 (Order 248), § 356-15-100, filed 5/28/86, effective 7/1/86; 86-06-017 (Order 242), § 356-15-100, filed 2/24/86; 84-12-079 (Order 206), § 356-15-100, filed 6/6/84; Order 98, § 356-15-100, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-100, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the department of corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

(5) In the department of natural resources and in lieu of (1) above, employees dispatched to emergency response duty under an incident command system, defined in RCW 38.52.010, will be paid a call-back penalty payment equivalent to three hours of straight time pay for the first scheduled day off on which they perform emergency work after dispatch to an incident. Thereafter, a call-back penalty payment equivalent to one hour of straight time pay will be paid for each subsequent scheduled day off on which they perform emergency work on the same incident. This provision applies separately to each emergency incident unless responding to more than one incident from the same camp.

[Statutory Authority: RCW 41.06.150. 02-15-046, § 356-15-110, filed 7/11/02, effective 9/1/02; 99-19-113, § 356-15-110, filed 9/21/99, effective 11/1/99; 96-02-073, § 356-15-110, filed 1/3/96, effective 2/3/96; 86-12-025 (Order 248), § 356-15-110, filed 5/28/86, effective 7/1/86; 84-12-079 (Order 206), § 356-15-110, filed 6/6/84; Order 98, § 356-15-110, filed 1/13/77, effective 2/13/77; Order 86, § 356-15-110, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-125 Assignment pay provisions. The director may grant additional pay to recognize assigned

duties and/or conditions that exceed the ordinary. Hazards, equipment operations and other specialized skills are examples of areas for director consideration. Out of the ordinary conditions include being in a position which is experiencing recruitment and/or retention problems and is located in an area where the cost of living impacts the agency's ability to recruit and/or retain employees. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-125, filed 7/8/04, effective 8/8/04; 01-08-005, § 356-15-125, filed 3/22/01, effective 5/1/01; 98-19-034, § 356-15-125, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-024 (Order 409), § 356-15-125, filed 9/28/92, effective 11/1/92. Statutory Authority: RCW 41.06.150. 87-15-065 (Order 281), § 356-15-125, filed 7/16/87, effective 9/1/87. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-125, filed 11/16/81.]

WAC 356-15-130 Special pay ranges. The director may allow for special pay ranges to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

Details of the affected classes with a special pay range will appear in the salary schedule section of the compensation plan.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-15-130, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-15-130, filed 9/10/98, effective 10/12/98; 97-24-038, § 356-15-130, filed 11/26/97, effective 1/1/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-22-043 (Order 413), § 356-15-130, filed 10/27/92, effective 12/1/92; 91-13-034 and 91-15-021 (Orders 373 and 373A), § 356-15-130, filed 6/13/91 and 7/11/91, effective 7/14/91 and 8/11/91; 91-05-083 (Order 370), § 356-15-130, filed 2/20/91, effective 4/1/91; 90-23-030 (Order 361), § 356-15-130, filed 11/14/90, effective 12/15/90; 90-13-068 (Order 355), § 356-15-130, filed 6/18/90, effective 7/19/90. Statutory Authority: RCW 41.06.150. 89-14-027 (Order 321), § 356-15-130, filed 6/26/89, effective 8/1/89; 85-09-030 (Order 221), § 356-15-130, filed 4/12/85; 83-08-010 (Order 181), § 356-15-130, filed 3/25/83. Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-15-130, filed 11/16/81; 79-12-012 (Order 137), § 356-15-130, filed 11/13/79; Order 109, § 356-15-130, filed 9/7/77; Order 98, § 356-15-130, filed 11/13/77, effective 2/13/77; Order 86, § 356-15-130, filed 5/4/76, effective 10/1/76.*]

WAC 356-15-140 School year contracts for non-teaching staff. (1) The school for the deaf and the school for the blind may contract with full-time, permanent (as opposed to temporary), noncertificated staff to retain them in pay status only during the school year, to grant them leave without pay during the student-vacation periods, and to spread the school year base salary earnings evenly over a twelve month period. For employees who so contract, the following rules shall apply:

(a) Twelve month, prorated pay will be calculated by the following steps:

(i) The total annual salary for scheduled work during the school year will be calculated for each employee, beginning with the first day of employment, for the new school year.

This calculation will include:

(A) Scheduled holidays which will occur between the beginning and the end of the school year.

(B) Any increment increases which will occur while the employee is in pay status.

It will not include:

(C) Sick leave or annual leave, or holidays which occur after the close of the school year.

(D) Anticipated general increases; but these will be included in a recalculation when they occur. The recalculation will affect only the remaining time in the twelve month contract.

(ii) The total annual salary will be divided by 24 to obtain 24 equal payments for a twelve month period. These equal payments are referred to hereafter as the "prorated salary."

(iii) General increases, when granted during the school year, shall be accommodated by recalculation of the prorated salary as it will be affected forward from the effective date of the increase.

(b)(i) Annual leave, compensatory time, paid holidays, and sick leave taken during scheduled days of work will be treated as hours worked.

(ii) Annual leave and paid holidays taken in lieu of leave without pay during periods of school closure, such as Christmas vacation, spring vacation, and summer months, will be paid at the full (not prorated) hourly rate.

The "full hourly rate" is determined by dividing the total annual salary by the number of contract work days in that school year, and dividing that by eight hours.

(iii) For each hour of leave-without-pay taken during a scheduled work day, an hour of pay at the full (not prorated) hourly rate will be deducted from the prorated salary for that pay period.

(c) The "regular rate" for overtime work shall be calculated in the manner described in WAC 356-05-053, except that the "basic salary" and any other components of the "regular rate" shall be the "full hourly rate" (not twelve month prorated salary). Shift premium will not be prorated.

(d) Compensatory time may be credited and utilized as described in WAC 356-14-240. If accrued compensatory time is liquidated as provided in WAC 356-14-265, the liquidation rate shall be based on the full hourly rate (not the prorated salary).

(e) Vacation leave and an employee's personal holiday which is unused at the end of the school year may be paid as extended employment beyond the contract period. Each hour of accumulated vacation thus taken will be compensated at the full hourly rate (rather than the prorated salary level) in addition to the continuing twelve month prorated salary. It will be paid at the end of the pay period in which it is taken. Hours for which vacation time is paid will be considered as hours worked for the purpose of accruing additional vacation and sick leave.

(f) Accrued sick leave may not be used between school years or during periods of leave without pay, even though accrued vacation may be being utilized during that period. Accrued sick leave which can be converted to monetary compensation as provided in WAC 356-18-050(3) shall be compensated at the employee's current actual salary rate, rather than the prorated salary rate.

(g) An employee's movement within and among the pay ranges shall be based on the actual salary (not the prorated salary).

(h) A twelve month pay agreement as described in this section may be terminated at the request of the employee only if the agency determines that a bona fide hardship is being created by its continuation, or by termination of employment. Accrued (withheld) salary, vacation, and compensatory time under the twelve month agreement is immediately payable on termination of employment.

(i) Nothing in this section shall result in an employee receiving more compensation for the same work performed than would an employee who did not have such a twelve month contract.

(2) WAC 356-18-220 describes the effect of leave without pay on seniority for these employees.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-15-140, filed 3/19/01, effective 5/1/01; 89-07-056 (Order 315), § 356-15-140, filed 3/15/89, effective 5/1/89.]

Chapter 356-18 WAC LEAVE

WAC

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356-18-025	Holidays—Selective personal holiday—Regulations governing.
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356-18-115	Leave due to inclement weather.
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356-18-120	Miscellaneous leave.
356-18-140	Leave without pay.
356-18-145	Family and Medical Leave Act of 1993.
356-18-150	Newborn, adoptive, or foster child care.
356-18-160	Military leave—Reemployment.
356-18-170	Government service leave—Reemployment.
356-18-200	Unauthorized absence.
356-18-220	Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-18-010	Hours of work. [Order 78, § 356-18-010, filed 5/19/75; Order 36, § 356-18-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-010.] Repealed by 86-12-025 (Order 248), filed 5/28/86, effective 7/1/86. Statutory Authority: RCW 41.06.150.
356-18-105	Exit leave. [Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-105, filed 8/31/83; 83-01-115 (Order 179), § 356-18-105, filed 12/22/82.] Repealed by 84-14-006 (Order 207), filed 6/22/84. Statutory Authority: RCW 41.06.150.
356-18-130	Military training leave—Paid. [Order 36, § 356-18-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-120.] Repealed by 88-07-045 (Order 296), filed 3/11/88. Statutory Authority: RCW 41.06.150.
356-18-180	Returning employee rights. [Order 36, § 356-18-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-210.] Repealed by 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150.

356-18-190	Interim employee rights. [Order 36, § 356-18-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-220.] Repealed by 88-21-028 (Order 309), filed 10/11/88. Statutory Authority: RCW 41.06.150.
356-18-210	Part-time employees—Vacation and sick leave. [Order 36, § 356-18-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-030.] Repealed by 81-13-030 (Order 157), filed 6/15/81. Statutory Authority: RCW 41.06.150(17).
356-18-230	Partial day absence—Exceptions work period. [Statutory Authority: RCW 41.06.040 and 41.06.150. 91-14-044 (Order 377), § 356-18-230, filed 6/27/91, effective 7/28/91.] Repealed by 93-06-081 (Order 415), filed 3/3/93, effective 4/3/93. Statutory Authority: RCW 41.06.040 and 41.06.150.

WAC 356-18-020 Holidays. (1) Legal holidays are designated by statute. The following are legal holidays as established by RCW 1.16.050:

Sunday	
New Year's Day	January 1
Martin Luther King Jr.'s Birthday	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The day immediately following Thanksgiving Day	
Christmas Day	December 25

(2) For purposes of this chapter Sunday is not considered a holiday unless specifically identified in the rules.

(3) Employees, except hourly rated faculty employees and those employees employed on the basis of contracts for a specified number of work days or faculty appointments, may select another day each calendar year on which to take an additional holiday as provided in WAC 356-18-025.

[Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-020, filed 2/24/89, effective 4/1/89; 85-15-043 (Order 228), § 356-18-020, filed 7/15/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-020, filed 3/9/78; Order 109, § 356-18-020, filed 9/7/77; Order 87, § 356-18-020, filed 5/4/76; Order 65, § 356-18-020, filed 4/22/74; Order 36, § 356-18-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-350.]

WAC 356-18-025 Holidays—Selected personal holiday—Regulations governing. (1) An employee may select one workday as a personal holiday each calendar year provided:

(a) The employee has been continuously employed by the state for more than four months, or is scheduled to be continuously employed by the state for more than four months, and

(b) The employee who is scheduled to work less than six continuous months over a period covering two calendar years shall receive only one personal holiday during this period.

(2) The agency shall release the employee from work on the day selected as the personal holiday provided:

(a) The employee has given not less than fourteen calendar days' written notice to the supervisor, provided, however, the employee and the supervisor may agree upon an earlier date, and

(b) The number of employees selecting a particular day off does not prevent an agency from providing continued public service.

(3) The personal holiday must be taken during the calendar year or entitlement to the day will lapse, except that the entitlement shall carry over to the following year when an otherwise qualified employee has requested a personal holiday and the request has been denied.

(4) Agencies may also establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would impair operational necessity.

(5) Part-time employees who were employed during the month in which the personal holiday is taken will be compensated for the personal holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

(6) A personal holiday for full-time employees shall be equivalent to their workshift on the day selected for personal holiday absence.

(7) For purposes of shared leave donation, part or all of a personal holiday may be donated to another employee in accordance with WAC 356-18-112.

(a) For part-time employees, the amount of time an employee is entitled to for a personal holiday is calculated proportionate to full time as provided in (5) of this section. The amount of personal holiday remaining after donation is determined based on the proportionate hours earned minus any personal holiday hours donated.

(b) For full-time employees, the amount of personal holiday remaining after donation is determined based on the employee's regular assigned workshift originally selected by that employee minus any personal holiday hours donated.

(8) If eligible, an employee shall be granted use of part or all of the personal holiday for the following reasons:

(a) To care for a child with a health condition that requires treatment or supervision.

(b) To care for a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency health condition.

(9) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program as provided in subsection (7) of this section or using a portion of the personal holiday to provide care as provided in subsection (8) of this section. Any portion of the personnel [personal] holiday that remains and is not being used for the purposes specified in subsection (7) or (8) of this section shall be taken by the employee in one absence not to exceed the workshift on the day of the absence. Such absence is subject to request and approval as described in this section.

[Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-025, filed 11/14/02, effective 1/1/03; 96-21-037, § 356-18-025, filed 10/10/96, effective 11/10/96; 89-06-028 (Order 314), § 356-18-025, filed 2/24/89, effective 4/1/89; Order 87, § 356-18-025, filed 5/4/76.]

WAC 356-18-030 Holidays—Rules—Regulations governing. (1) The holidays cited in WAC 356-18-020 are paid nonworking days for eligible employees.

(2) When operational necessity requires that employees work on any holiday, they shall be compensated in accordance with the applicable provisions of the compensation plan appendix and chapter 356-15 WAC.

dance with the applicable provisions of the compensation plan appendix and chapter 356-15 WAC.

(3) For full-time employees on a Monday through Friday work schedule:

(a) Whenever any legal holiday falls on a Saturday, the preceding Friday shall be the holiday. Whenever any legal holiday falls on a Sunday, the following Monday shall be the holiday.

(4) For full-time employees not on a Monday through Friday work schedule:

(a) When a holiday as identified in WAC 356-18-020(1) falls on the employee's scheduled work day, that day will be considered the holiday.

(b) When a holiday as identified in WAC 356-18-020(1) falls on the employee's scheduled day off, agencies shall, with respect to each individual employee, treat either the last preceding or the next following work day as the holiday.

(5) For employees working a night shift schedule which begins on one calendar day and ends on the next, the twenty-four-hour "paid holiday" shall be determined by the agency to commence either at the start of the scheduled night shift that begins on the calendar holiday, or at the start of the shift that precedes the calendar holiday. The determination shall be consistent for all employees in a facility unless there is agreement between the agency and one of more affected employees to do otherwise. Agreement by the exclusive representative shall constitute agreement of the employees.

(6) Part-time employees who were employed before and after the holiday and for a period of at least twelve calendar days during the month (but not including the holiday) will be compensated in cash, compensatory time, or exchange time for the holiday in an amount proportionate to the time in pay status during the month to that required for full-time employment.

[Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-030, filed 2/24/89, effective 4/1/89; 88-11-036 (Order 299), § 356-18-030, filed 5/13/88; 85-20-027 (Order 233), § 356-18-030, filed 9/24/85. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-18-030, filed 3/9/78; Order 109, § 356-18-030, filed 9/7/77; Order 36, § 356-18-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-360, 356-12-380.]

WAC 356-18-040 Holidays—During leave without pay. A full-time employee who would otherwise be entitled to a holiday but is on leave without pay will receive compensation for the holiday provided he/she has been in pay status for eighty nonovertime or nonstandby hours during the month, not counting the holiday. Compensation for holidays for other than full-time employees during leave without pay will be proportionate to the time in pay status required for full-time employment. The employee must be employed before and after the holiday and for a period of at least twelve calendar days during the month in addition to the holiday.

[Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-040, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-040, filed 5/12/78; Order 36, § 356-18-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-370.]

WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to

employees due solely to reasons specified in WAC 356-18-060.

(2) Full-time employees shall be credited monthly with eight hours of sick leave under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) Higher education system employees moving to an agency in accordance with WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-18-050, filed 9/10/98, effective 10/12/98; 96-21-037, § 356-18-050, filed 10/10/96, effective 11/10/96; 89-15-028 (Order 325), § 356-18-050, filed 7/14/89, effective 8/14/89; 89-06-028 (Order 314), § 356-18-050, filed 2/24/89, effective 8/14/89; 87-01-073 (Order 266), § 356-18-050, filed 12/18/86, effective 2/1/87; 84-04-022 (Order 197), § 356-18-050, filed 1/24/84; 83-12-002 (Order 184), § 356-18-050, filed 5/19/83. Statutory Authority: RCW 41.06.150(17). 81-03-017 (Order 151), § 356-18-050, filed 1/12/81; 79-10-064 (Order 133), § 356-18-050, filed 9/18/79; Order 80, § 356-18-050, filed 7/16/75; Order 69, § 356-18-050, filed 9/30/74; Order 52, § 356-18-050, filed 12/19/72; Order 49, § 356-18-050, filed 8/17/72; Order 48, § 356-18-050, filed 7/19/72; Order 36, § 356-18-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 and 356-12-040.]

WAC 356-18-060 Paid sick leave—Use. (1) Personal illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(d) The serious health condition of an eligible employee as provided in WAC 356-18-145.

(2) Illness of a child: Accumulated sick leave shall be granted when an employee is required to be absent from work to provide care to a child with a health condition requiring treatment or supervision.

(3) Illness of relatives or household members: For purposes other than serious health condition as provided in subsection (4) of this section, up to five days of accumulated sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent from work to provide care to members of the employee's household or relatives of the employee or the employee's spouse who experience an illness or injury. For purposes of this subsection, "relatives" shall be limited to:

(a) Spouse.

(b) Son or daughter, eighteen years of age or over, grandchild, or foster child.

(c) Grandparent or parent.

(4) Accumulated sick leave shall be granted when an eligible employee is required to be absent from work to provide care to the employee's spouse, child, parent, parent-in-law, or grandparent with a serious health condition or an emergency health condition.

(5) Preventative health care of relatives or household members: Up to one day of sick leave shall be granted for each occurrence or as extended by the agency when an employee is required to be absent to provide care or transportation for a relative of the employee or the employee's spouse or for a member of the employee's household obtaining preventative health care. For the purposes of this subsection "relatives" shall be limited to:

(a) Spouse.

(b) Son, daughter, grandchild, or foster child.

(c) Grandparent or parent.

(6) For purposes of the provisions of subsections (3), (5), and (7)(a) of this section:

Members of household means "persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(7) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of subsection (7)(a) of this section, "relatives" shall be limited to:

(i) Spouse.

(ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(8) Inclement weather: Up to three days of accumulated sick leave shall be granted when the employee is unable to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(9) Unforeseen family care requirements: Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.

(10) When a condition listed under subsection (1)(a) or (c) of this section arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100(2).

[Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-060, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-060, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-060, filed 9/22/93, effective 10/23/93; 92-03-098 (Order 398), § 356-18-060, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-060, filed 2/24/89, effective 4/1/89; 86-24-034 (Order 263), § 356-18-060, filed 11/25/86, effective 1/1/87. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-060, filed 9/22/82; 79-03-010 (Order 128), § 356-18-060, filed 2/14/79; Order 84, § 356-18-060, filed 10/20/75; Order 64, § 356-18-060, filed 3/20/74; Order 51, § 356-18-060, filed 12/19/72; Order 48, § 356-18-060, filed 7/19/72; Order 46, § 356-18-060, filed 5/9/72; Order 44, § 356-18-060, filed 4/14/72; Order 36, § 356-18-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-020 (part), 356-12-100 (part).]

WAC 356-18-070 Sick leave—Reporting—Payment.

(1) Sick leave shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon returning to work the employee shall report the general reason or circumstance for the sick leave as found in

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WAC 356-18-060 (1) through (6). A medical certificate may be required when there is cause to suspect sick leave abuse; to assist agencies in protecting the employees from returning to work too soon following an illness or injury; or to protect fellow employees or clients from contagious illness. A medical certificate must be required if the reason was personal illness as cited in WAC 356-18-060 (1)(a), (b), or (c), and continued for more than ten continuous work days.

(3) Sick leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

(4) The accounting procedures established by the office of financial management prescribe the payments of sick leave for the reasons found in WAC 356-18-060(1) so as to exclude the payments from the meaning of "wages" under the Federal Old Age and Survivors Insurance.

[Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-070, filed 2/24/89, effective 4/1/89; 84-14-006 (Order 207), § 356-18-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 80-02-037 (Order 140), § 356-18-070, filed 1/11/80; 78-06-017 (Order 120), § 356-18-070, filed 5/12/78; Order 36, § 356-18-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-021.]

WAC 356-18-075 Medical expense plans. (1) The employing agency may provide to eligible employees a medical expense plan that provides for reimbursement of medical expenses. Instead of cash out of sick leave at retirement as provided in WAC 356-18-050, the agency's head or designee may deposit equivalent funds in a medical expense plan for eligible employees. The medical expense plan must meet the requirements of the Internal Revenue Code.

(2) Medical expense plans shall be implemented only after consultation with affected groups of employees.

(a) Medical expense plans for eligible employees in any of the groups listed in (4) of this section who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative.

(b) A separate medical expense plan may be provided for unrepresented employees.

(3) As a condition of participation, the medical expense plan provided shall require that each covered eligible employee sign an agreement with the employer. The agreement shall include the following provisions.

(a) A provision to hold the employer harmless should the United States government find that the employer or the employee is indebted to the United States as a result of:

(i) The employee not paying income taxes due on the equivalent funds placed into the plan, or

(ii) The employer not withholding or deducting a tax, assessment, or other payment on funds placed into the plan as required by federal law.

(b) A provision to require each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if the employee is covered by a medical expense plan and the employee refuses to sign the required agreement.

(4) Each medical expense plan offered by an agency shall apply to all eligible employees in any one of the following groups:

(a) Employees in an agency;

(b) Employees in a major organizational subdivision of an agency;

(c) Employees at a major operating location of an agency;

(d) Classified employees in a bargaining unit established by the Washington personnel resources board; or

(e) Another group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan.

(5) The following definitions are used for the medical expense plan.

(a) "Eligible employees" means all employees in a designated group in (4) of this section.

(b) "Covered eligible employee" means an eligible employee who is in a group for which the employing agency has established a medical expense plan.

(6) An established medical expense plan shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

[Statutory Authority: RCW 41.06.150. 98-13-057, § 356-18-075, filed 6/11/98, effective 8/1/98.]

WAC 356-18-080 Leave—Worker's compensation.

(1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.

(2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.

(3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

(4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment except for employees of the departments of social and health services, corrections, veterans affairs, and natural resources who miss work due to an assault that occurred on the job and are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW. Pay for vacation leave, compensatory time off or exchange time to such employees shall be limited to an amount equal to the amount of their worker's compensation for time loss.

(5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence.

(7) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may request such leave be designated, or the agency may designate such leave, in accordance with WAC 356-18-145, Family and Medical Leave Act of 1993.

[Statutory Authority: RCW 41.06.150. 02-15-053, § 356-18-080, filed 7/11/02, effective 9/1/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-080, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-080, filed 2/24/89, effective 4/1/89; 85-14-008 (Order 224), § 356-18-080, filed 6/24/85. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-080, filed 5/12/78; Order 36, § 356-18-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-022.]

WAC 356-18-090 Vacation leave—Accrual. (1) Full-time employees shall be credited monthly with the appropriate rate of vacation leave specified in (3)(a) through (k) below under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

(2) Vacation leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) The following rates of vacation leave shall be credited for each year of employment.

(a) During the first year of current continuous employment — Ninety-six hours (twelve days) per annum.

(b) During the second year of current continuous employment — One hundred four hours (thirteen days) per annum.

(c) During the third and fourth years of current continuous employment — One hundred twelve hours (fourteen days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — One hundred twenty hours (fifteen days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — One hundred twenty-eight hours (sixteen days) per annum.

(f) During the eleventh year of total employment — One hundred thirty-six hours (seventeen days) per annum.

(g) During the twelfth year of total employment — One hundred forty-four hours (eighteen days) per annum.

(h) During the thirteenth year of total employment — One hundred fifty-two hours (nineteen days) per annum.

(i) During the fourteenth year of total employment — One hundred sixty hours (twenty days) per annum.

(j) During the fifteenth year of total employment — One hundred sixty-eight hours (twenty-one days) per annum.

(k) During the sixteenth year of total employment and after — One hundred seventy-six hours (twenty-two days) per annum.

(4) Vacation leave is cumulative to a maximum of two hundred forty hours (thirty working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the director of personnel. Such deferred leave may be credited in excess of the thirty-day maximum until such leave is granted by the employing agency.

[Statutory Authority: RCW 41.06.150. 89-15-028 (Order 325), § 356-18-090, filed 7/14/89, effective 8/14/89; 89-06-028 (Order 314), § 356-18-090, filed 2/24/89, effective 4/1/89; 86-24-010 (Order 264), § 356-18-090, filed 11/21/86, effective 1/1/87; 85-09-030 (Order 221), § 356-18-090, filed 4/12/85. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-18-090, filed 6/15/81; Order 45, § 356-18-090, filed 4/17/72; Order 36, § 356-18-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-060, 356-12-090.]

WAC 356-18-095 Vacation leave—Accumulation—Excess. Vacation leave may be accumulated to a maximum of 30 days (240 hours). However, there are two methods which allow vacation leave to be accumulated above the maximum.

(1) If an employee's request for vacation leave is denied by the employing agency, then the maximum of 30 working days' accrual shall be extended for each month that the leave is deferred, provided a statement of necessity justifying the denial is filed with the department of personnel.

(2) As an alternative to (1) above, employees may also accumulate vacation leave in excess of 30 days as follows:

(a) An employee may accumulate the vacation leave days between the time 30 days is accrued and his/her anniversary date of state employment.

(b) Such leave accumulated shall be used by the anniversary date and at a time convenient to the employing institution/agency. If such leave is not used prior to the employee's anniversary date, such leave shall be automatically extinguished and considered to have never existed.

(c) Such leave credit acquired and accumulated shall never, regardless of circumstances, be deferred by the employing institution/agency by filing a statement of necessity as described in (1) above.

[Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-18-095, filed 8/31/83.]

WAC 356-18-100 Accrued vacation leave disposition—Computation—How made. (1) When an employee separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum payment of unused vacation leave[, except as provided in WAC 356-18-110]. The compensation shall be computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 356-18-095(2), nor shall such payment be reported to the DRS as compensation.

(2) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period

of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070 or WAC 356-06-055. Seasonal career employees, as defined in WAC 356-05-380, may defer payment of their accumulated vacation leave during the period between consecutive employment cycles.

(3) The separation cited in subsection (2) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

[Statutory Authority: RCW 41.06.150. 02-15-045, § 356-18-100, filed 7/11/02, effective 9/1/02; 02-03-061, § 356-18-100, filed 1/10/02, effective 3/1/02; 87-13-039 (Order 277), § 356-18-100, filed 6/15/87, effective 8/1/87; 85-19-079 (Order 231), § 356-18-100, filed 9/18/85; 84-14-006 (Order 207), § 356-18-100, filed 6/22/84; 83-01-115 (Order 179), § 356-18-100, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-18-100, filed 9/22/82; 78-06-017 (Order 120), § 356-18-100, filed 5/12/78; Order 109, § 356-18-100, filed 9/7/77; Order 82, § 356-18-100, filed 9/26/75; Order 63, § 356-18-100, filed 2/26/74; Order 48, § 356-18-100, filed 7/19/72; Order 45, § 356-18-100, filed 4/17/72, effective 6/1/72; Order 36, § 356-18-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-070 and 356-12-100 (part).]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 356-18-110 Vacation leave—Allowance. (1) Full-time employees shall not use or be compensated for vacation leave credits until completion of six months continuous state service. Employees whose payroll hours are usually less than 40 hours a week shall not use nor be compensated for vacation leave credits until completion of twelve continuous months of state service.

(2) All requests for vacation leave shall be made in accordance with the agency's leave policy, except that any requirement that requested leave must be approved in advance of the effective date is waived when the leave is being requested in lieu of sick leave or to respond to unforeseen child care requirements, or the supervisor chooses to approve the vacation leave on a retrospective basis, or for an emergency health condition as provided in subsection (3) of this section.

(3) Accumulated vacation leave shall be approved for the serious health condition or emergency health condition of the eligible employee, or the eligible employee's spouse, child parent, parent-in-law, or grandparent or to care for a child with a health condition that requires treatment or supervision.

(4) Accumulated vacation leave shall be approved for newborn, adoptive or foster child care as provided in WAC 356-18-150 and 356-18-145.

(5) Vacation leave shall be charged in half-hour increments or in smaller increments as set by the employing agency.

(6) When considering requests for vacation leave the employing agency shall give due regard to the needs of the employee but may require that leave be taken when it will least interfere with the work of the agency.

(7) Vacation leave for religious observances should be granted to the extent agency or program requirements permit.

[Statutory Authority: RCW 41.06.150. 02-23-042, § 356-18-110, filed 11/14/02, effective 1/1/03. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-110, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-110, filed 9/22/93, effective 10/23/93; 91-20-035 (Order 389), § 356-18-110, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-110, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-07-030 (Order 152), § 356-18-110, filed 3/13/81; Order 84, § 356-18-110, filed 10/20/75; Order 45, § 356-18-110, filed 4/17/72; Order 36, § 356-18-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-100(6).]

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(e) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(f) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (3)(a)(i) of this section.

(c) The employee has abided by agency policies regarding the use of sick leave if the employee qualifies under subsection (3)(a)(i) of this section.

(d) The employee has abided by agency policies regarding the use of vacation leave and paid military leave if the employee qualifies under subsection (3)(a)(ii) of this section.

(e) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(ii) The receiving employee has been called to service in the uniformed services;

(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the receiving employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment.

(c) The receiving employee's absence and the use of shared leave are justified.

(d) The receiving employee has depleted or will shortly deplete his or her:

(i) Vacation leave and sick leave reserves if the employee qualifies under subsection (3)(a)(i) of this section; or

(ii) Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (3)(a)(ii) of this section.

(e) The agency head permits the leave to be shared with an eligible employee.

(f) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(g) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(h) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below one hundred seventy-six hours after the transfer. For purposes of sick leave donation, a day equals the donor's monthly sick leave accrual.

(i) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only autho-

size an employee to use up to a maximum of two hundred sixty-one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director in accordance with WAC 356-30-065(4), 356-30-067(7), and 356-30-140.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition when the employee is qualified under subsection (3)(a)(i) of this section. The agency head shall require the employee to submit, prior to approval or disapproval, a copy of the military orders verifying the employee's required absence when the employee is qualified for shared leave under subsection (3)(a)(ii) of this section.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(i) of this section. All forms of paid leave, except sick leave, available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(ii) of this section.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 356-18-112, filed 9/19/03, effective 9/19/03; 02-07-049, § 356-18-112, filed 3/14/02, effective 5/1/02; 96-21-037, § 356-18-112, filed 10/10/96, effective 11/10/96; 96-11-058, § 356-18-112, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-07-055 (Order 371), § 356-18-112, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 89-16-029 (Order 326), § 356-18-112, filed 7/25/89, effective 8/25/89.]

(2005 Ed.)

WAC 356-18-115 Leave due to inclement weather.

(1) Absence due to an employee's inability to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather shall be charged to the following in the order listed:

(a) Any earned compensatory or exchange time;

(b) Any accrued vacation leave;

(c) Accrued sick leave up to a maximum of three days in any calendar year;

(d) Leave without pay.

(2) Although the types of paid time off shall be used in the alphabetical order listed in subsection (1) of this section, and each type of paid time off shall be exhausted before the next (in alphabetical order) is used, employees shall be permitted to use leave without pay rather than paid time off at their request.

(3) Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather or conditions caused by severe inclement weather will be allowed up to one hour at the beginning of the work day. Inclement weather tardiness in excess of one hour shall be charged as provided in subsection (1) of this section.

[Statutory Authority: RCW 41.06.150. 86-24-034 (Order 263), § 356-18-115, filed 11/25/86, effective 1/1/87; Order 64, § 356-18-115, filed 3/20/74.]

WAC 356-18-116 Leave due to unforeseen family care requirements.

(1) Absence due to an employee's inability to report for or continue scheduled work due to unforeseen family care requirements shall be authorized in any of the leave categories listed below at the employee's desire. No advance approval shall be required; however, the employee shall notify the agency at the beginning of the absence.

(a) Compensatory or exchange time.

(b) Vacation leave.

(c) Accrued sick leave in accordance with WAC 356-18-060(9).

(d) Leave without pay.

The provisions of this subsection shall only apply to care of the spouse, or to the employee's/spouse's son, daughter, stepchild, grandchild, foster child, child in the custody of and residing in the home of the employee, parent or grandparent.

(2) Absence due to an employee's inability to report for or continue scheduled work may be authorized in any of the leave categories listed above due to unforeseen care requirements of family members of the employee or the employee's spouse. For purposes of this subsection, "family" shall be limited to:

(a) Brother, sister, niece, nephew, aunt, uncle, first cousin.

(b) Persons who reside in the same home who have reciprocal and natural and/or moral duties to and do provide support for one another.

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-18-116, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-03-101 (Order 401), § 356-18-116, filed 1/17/92, effective 3/1/92. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-116, filed 2/24/89, effective 4/1/89; 86-24-034 (Order 263), § 356-18-116, filed 11/25/86, effective 1/1/87; Order 84, § 356-18-116, filed 10/20/75.]

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an exami-

nation for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties. In the department of natural resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an incident command system, defined in RCW 38.52.-010.

(2) Employees on miscellaneous leave shall receive their basic salary and, in addition, shall be allowed to retain any compensation paid to them by their civil duty employer.

[Statutory Authority: RCW 41.06.150. 02-15-046, § 356-18-120, filed 7/11/02, effective 9/1/02; 89-21-055 (Order 332), § 356-18-120, filed 10/16/89, effective 12/1/89; 88-07-046 (Order 297), § 356-18-120, filed 3/11/88, effective 5/1/88; 86-14-071 (Order 253), § 356-18-120, filed 7/1/86, effective 8/1/86. Statutory Authority: RCW 41.06.150(17). 79-10-064 (Order 133), § 356-18-120, filed 9/18/79; Order 77, § 356-18-120, filed 5/7/75; Order 36, § 356-18-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-110.]

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service. Leave without pay shall not affect an employee's periodic increment date.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.

(c) Military and U.S. Public Health Service and Peace Corps leave.

(d) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority.

(e) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(f) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(g) Leave taken for the purpose of formal collective bargaining sessions under RCW 41.80.010 and chapter 41.06 RCW.

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

(a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;

(b) Authorized government leave not exceeding two years;

(c) Employees receiving time loss compensation;

(d) Educational leaves under provisions of WAC 356-39-120;

(e) Leave for serious health condition for an eligible employee or the employee's spouse, child or parent and newborn, adoptive or foster child care under provisions of WAC 356-18-150 and 356-18-145;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

[Statutory Authority: RCW 41.06.150. 04-19-028, § 356-18-140, filed 9/9/04, effective 10/11/04; 01-07-057, § 356-18-140, filed 3/19/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-140, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.150. 95-19-098, § 356-18-140, filed 9/20/95, effective 11/1/95; 89-06-028 (Order 314), § 356-18-140, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-140, filed 1/2/87; 85-11-074 (Order 223), § 356-18-140, filed 5/22/85; 84-23-059 (Order 211), § 356-18-140, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-140, filed 10/5/81; 79-10-064 (Order 133), § 356-18-140, filed 9/18/79; 78-10-070 (Order 123), § 356-18-140, filed 9/26/78; Order 99, § 356-18-140, filed 2/24/77; Order 69, § 356-18-140, filed 9/30/74; Order 63, § 356-18-140, filed 2/26/74; Order 46, § 356-18-140, filed 5/9/72; Order 36, § 356-18-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-130, 356-12-140 and 356-12-180.]

WAC 356-18-145 Family and Medical Leave Act of 1993. (1) Benefits provided through state laws and these rules shall not be diminished or withheld in complying with the Family and Medical Leave Act of 1993.

(2) An eligible employee is an employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous 12-month period. Pursuant to the Family and Medical Leave Act of 1993, during a 12-month period, a total of 12 work weeks of absence shall be granted to an eligible employee:

- (a) As a result of the employee's serious health condition;
- (b) To care for an employee's parent, spouse or child who has a serious health condition; and/or

(c) To provide care to an employee's newborn, adopted or foster child as provided in WAC 356-18-150.

(3) The agency will designate absences which meet the criteria of the Family and Medical Leave Act. Paid or unpaid leave, excluding compensatory time, which is used for that designated absence shall be counted towards the 12 weeks of the Family and Medical Leave Act entitlement.

(4) The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay shall be in accordance with these rules.

(5) Employee absence granted for (2)(a) and (b) of this section shall be granted on an intermittent or reduced schedule at the employee's request when medically necessary.

(6) Following absence granted for the situations in (2) of this section, the employee shall return to the same or equivalent position held prior to the absence.

(7) The employer shall continue an eligible employee's existing employer-paid health insurance benefits during leave granted in accordance with the Family and Medical Leave Act.

(8) Each agency shall develop and disseminate a policy specifying the procedures, required information, and time frames for employees to request and use leave in accordance

with the state laws, these rules, and the Family and Medical Leave Act of 1993 law and regulations found in Title 29, Part 825 of the Code of Federal Regulations.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-145, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-145, filed 9/22/93, effective 10/23/93.]

WAC 356-18-150 Newborn, adoptive, or foster child care. (1) Leave without pay for child care shall be authorized to an eligible employee. An eligible employee is a permanent employee or an employee who has worked for the state for 12 months for at least 1,250 hours and who is the parent of a newborn, adopted or foster child.

(2) The employee shall make the request for leave without pay for child care in writing and indicate the duration of the leave. The duration of such leave without pay for child care shall be no more than six months and such leave must be utilized within the first 12 months of birth, adoption or foster child care. The employee shall make every attempt to give the employer at least 30 days' notice, if possible. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with leave without pay for child care authorized in accordance with this section.

(3) If both parents are state employees and both have requested leave under this section, the employers may limit the employees to a total absence of 12 work weeks for child care which they may share.

(4) Agencies may deny requests for leave for child care beyond 12 weeks on the basis of operational necessity. Denials shall be in writing to the employee and shall inform the employee of the right to petition the director of personnel for review. The director of personnel shall review the petition and may require the agency to authorize the leave for child care.

(5) When an agency denies leave for child care under this section, and the director of personnel does not require it, an employee who vacates his/her position for the purpose of leave for child care may request to return to state service. Such employee must notify the department of personnel, within six months of vacating the position, of his/her desire to return to work. The department of personnel shall direct the former employing agency to offer the employee the first vacancy in the employee's former class and geographic work location. This offer shall take precedence over all registers except for reduction in force registers.

(6) A total of 12 work weeks of appropriate paid leave or leave without pay in a 12-month period for an eligible employee may be designated under the Family and Medical Leave Act of 1993 for newborn, adoptive, or foster child care or serious health condition or a combination of both as described in WAC 356-18-145. An eligible employee for Family and Medical Leave Act is an employee who has worked for the state for 12 months for at least 1,250 hours and who is the parent of a newborn, adopted, or foster child.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-076, § 356-18-150, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-152 (Order 431), § 356-18-150, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 89-06-028 (Order 314), § 356-18-150, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 81-09-037 (Order 153), § 356-18-150, filed 4/15/81; Order 90, § 356-18-150, filed 9/7/76; Order 77, § 356-18-150, filed

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5/7/75; Order 36, § 356-18-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-190.]

WAC 356-18-160 Military leave—Reemployment.

(1) A classified employee shall be entitled to military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.

(2) No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

[Statutory Authority: RCW 41.06.150. 02-15-052, § 356-18-160, filed 7/11/02, effective 9/1/02; 89-06-028 (Order 314), § 356-18-160, filed 2/24/89, effective 4/1/89. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-18-160, filed 5/12/78; Order 36, § 356-18-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-150, 356-12-160.]

WAC 356-18-170 Government service leave—Reemployment. Employees returning to state service from authorized government service leave must apply in the same manner and within the same time limits as persons returning from military leave.

[Order 36, § 356-18-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-170.]

WAC 356-18-200 Unauthorized absence. Unauthorized absence shall be treated as absence without pay and may be grounds for disciplinary action. Upon return the employee shall give a written statement to the appointing authority explaining the reason for the absence.

[Statutory Authority: RCW 41.06.150. 84-23-059 (Order 211), § 356-18-200, filed 11/20/84; Order 36, § 356-18-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-230.]

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's anniversary date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(f) As of February 24, 2004, leave taken for the purpose of formal collective bargaining sessions under RCW 41.80-010 and chapter 41.06 RCW.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary date.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

(6) Employees who are on leave without pay for any reason other than subsection (2) of this section, shall have their seniority date extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(7) Leave without pay shall not affect an employee's periodic increment date.

[Statutory Authority: RCW 41.06.150. 04-19-028, § 356-18-220, filed 9/9/04, effective 10/11/04; 02-15-055, § 356-18-220, filed 7/11/02, effective 9/1/02; 01-07-057, § 356-18-220, filed 3/19/01, effective 5/1/01; 95-19-098, § 356-18-220, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-12-033 (Order 403), § 356-18-220, filed 5/28/92, effective 7/1/92. Statutory Authority: RCW 41.06.150. 89-16-030 (Order 327), § 356-18-220, filed 7/25/89, effective 9/1/89; 89-06-028 (Order 314), § 356-18-220, filed 2/24/89, effective 4/1/89; 87-02-038 (Order 267), § 356-18-220, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-18-220, filed 10/5/81; 78-10-070 (Order 123), § 356-18-220, filed 9/26/78; Order 36, § 356-18-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-12-200.]

Chapter 356-22 WAC

RECRUITMENT—EXAMINATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-22-110	Examinations—Anonymity of applicant. [Order 36, § 356-22-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-160.] Repealed by Order 44, filed 4/14/72.
356-22-11001	Examinations—Use of aids by applicants. [Order 71, § 356-22-110 (codified as WAC 356-22-11001), filed 12/30/74.] Repealed by 90-05-029 (Order 338), filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
356-22-170	Examination results—Notice requirements. [Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-170, filed 5/12/78; Order 36, § 356-22-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-210.] Repealed by 01-17-081, filed 8/16/01, effective 9/16/01. Statutory Authority: RCW 41.06.150.

WAC 356-22-010 Examination—Announcements.

(1) Recruitment shall be conducted publicly in any manner which the director or designee determines will attract a sufficient number of qualified persons to meet the needs of the classified service, and shall include methods designed to attract affected group members. Recruitment announcements shall be posted publicly, as selected by the director, and at all offices of the department of personnel. Each recruitment announcement shall give the title and salary range of the class, a general description of the duties performed, the applicable minimum or desirable qualifications, the expected type of examination, and shall encourage affected group members to apply.

(2) The director may limit recruitment to applicants meeting selective criteria.

(3) The director may limit open competitive recruitment to applicants available for employment to specific geographic locations.

(4) Registers established under subsections (2) and (3) of this section will be used exclusively for filling positions for which such recruitment has been conducted.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-010, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-05-029 (Order 338), § 356-22-010, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-010, filed 1/2/87; Order 63, § 356-22-010, filed 2/26/74; Order 36, § 356-22-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-010.]

WAC 356-22-020 Recruitment—Time periods—Requirements. Examination announcements may be issued for either definite or indefinite time periods. When recruitment is conducted for a definite time period, the examination announcement shall specify the closing date for receipt of applications: Provided, That the recruiting period shall be for no less than five working days. When recruitment is conducted for an indefinite time period, the announcement may be canceled at any time upon appropriate public notice.

[Order 36, § 356-22-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-020.]

WAC 356-22-030 Recruitment—Promotional—Notice requirements. Announcements will be distributed to all agency personnel offices when recruitment is conducted on a service-wide basis. Appropriate and reasonable distribution within agencies is the responsibility of the agencies. When recruitment is conducted on an intraagency basis, dis-

tribution of the examination announcement will be the responsibility of the agency.

[Order 36, § 356-22-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-040 and 356-16-050.]

WAC 356-22-035 College recruitment program purpose. The purpose of the college recruitment program is to: Recognize and support the present and future value of bachelor's and master's entry professional positions in state government; enhance state affirmative action and workforce diversity programs; enhance state recruitment and selection programs; and ensure the state maintains a competitive posture in the college recruitment employment market.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-14-066 (Order 407), § 356-22-035, filed 6/26/92, effective 9/1/92.]

WAC 356-22-036 College recruitment program—General provisions. (1) Positions included within the college recruitment program must meet the classification and minimum qualifications criteria established by the director specifically for the college recruitment program job classes.

(2) State employees meeting the requirements of specifically established college recruitment program classifications shall be eligible for testing and placement on the appropriate college recruitment program register under this program.

(3) All positions participating in this program shall be included under the combined register and referral program unless requested differently by a participating agency.

(4) Selective skill certifications for completion of specific internships, work study, or fellowship assignments or for specific bachelor's or master's degree fields are permitted as required by a participating position and authorized by the director of the department of personnel or designee.

(5) College recruitment program position advertisement may be targeted or limited by design and distribution to meet specific recruitment needs. Participating agencies may develop specific recruiting strategies and notices to support the filling of program positions.

(6) Eligible applicants may apply at any time and may be placed on the appropriate college recruitment program register without further testing if a previous passing score for the same college recruitment program classification and test was attained.

(7) College recruitment program registers shall be maintained by the director of the department of personnel and may be purged as required to ensure register viability.

(8) Emphasis shall be given to support agency training requests in accordance with WAC 356-30-135 in support of training, career tracks, affirmative action programs, and retention goals of the college recruitment program.

(9) Salary ranges for the college recruitment program job classifications shall be established by the board director to ensure that salaries fairly represent positions embodied in the college recruitment program classifications.

(10) Specific college recruitment program merit system rules established herein shall take precedence in the administration of this program. All other merit system rules apply in the absence of specific rules established herein.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-22-036, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.040 and (2005 Ed.)

41.06.150. 92-14-066 (Order 407), § 356-22-036, filed 6/26/92, effective 9/1/92.]

WAC 356-22-040 Applications—Contents—Restrictions. (1) All applications shall be on a form prescribed by the department of personnel. The applicant's signature shall certify the truth of the stated information.

(2) The application shall include pertinent information regarding experience, training, and other information as deemed necessary by the director of personnel. A certificate of physical fitness from one or more licensed physicians based upon job-related criteria may be required by the director of personnel or designee.

(3) No information shall be solicited or accepted which reveals an applicant's religious or political affiliations. Information regarding an applicant's affected group status shall be solicited only for use in an affirmative action program and shall be accepted only if it is voluntarily given by the applicant.

(4) Information regarding the nature and extent of a disability including a physician's statement, may be requested for affirmative action purposes and/or admittance to modified examinations under conditions specified in WAC 356-22-130.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-040, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-22-040, filed 1/2/87; Order 81, § 356-22-040, filed 8/21/75, effective 9/21/75; Order 80, § 356-22-040, filed 7/16/75, effective 8/16/75; Order 36, § 356-22-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-070 and 356-16-080.]

WAC 356-22-050 Applications—Residence and citizenship requirements. Residence in the state of Washington, or United States citizenship, or both may be required as a condition for filing application for examinations only in those instances where the director determines that such qualifications are necessary for compliance with federal or state law or as a condition for receipt of federal funds, provided that notice of such requirement accompanies the announcement.

[Order 36, § 356-22-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-100.]

WAC 356-22-060 Applications—Filing—Time limit. Only those applications filed with the department of personnel by the date specified in the examination announcement need be considered for an examination. Under special circumstances, as determined by the director or designee, the department of personnel may accept applications after the specified date.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-029 (Order 365), § 356-22-060, filed 12/24/90, effective 2/1/91; Order 36, § 356-22-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-110.]

WAC 356-22-070 Applications—Disqualification. The director of personnel or agency designee with local list authority is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register and/or certification or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements for the register (as defined in WAC 356-26-030), class, and/or position.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or resigned from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-22-070, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-085 (Order 418), § 356-22-070, 5/28/93, effective 7/1/93; 93-02-040 (Order 414), § 356-22-070, filed 1/5/93, effective 2/1/93; 90-12-020 (Order 346), § 356-22-070, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-070, filed 1/2/87; 84-14-006 (Order 207), § 356-22-070, filed 6/22/84. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-070, filed 5/12/78; Order 36, § 356-22-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-120.]

WAC 356-22-080 Applications—Disqualification—

Notice requirements. Disqualified applicants or applicants who are not admitted to an examination shall be promptly notified by mail at their last known address. Applicants shall have the right to request a review by the director of personnel as provided in WAC 356-34-090.

[Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-22-080, filed 3/26/86, effective 5/1/86; Order 87, § 356-22-080, filed 5/4/76; Order 81, § 356-22-080, filed 8/21/75, effective 9/21/75*; Order 56, § 356-22-080, filed 6/25/73; Order 36, § 356-22-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-130.]

***Reviser's note:** The amendment of this section by Order 81 was enjoined by the superior court of Thurston County in Cause No. 53071.

WAC 356-22-090 Examinations—Composition. (1)

The director of personnel, or designated representative, shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which the applicant is competing as well as the applicant's general background and related knowledge, and shall be rated objectively. Examinations will be developed and administered in a manner that minimizes bias due to cultural differences. A passing score may be required on each test included in the examination.

Examinations shall normally consist of one or a combination of the following:

- (a) A written test.
- (b) A performance test.
- (c) An oral test.
- (d) An evaluation of experience and training.

(2) When the director of personnel determines that the number of applicants responding to an examination announcement is excessive in relation to the number of projected job openings, the director may limit admission to the oral test to those scoring highest on a preliminary test which may be a written test, performance test, or an evaluation of experience and training. The number admitted to the oral test shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores, whichever is greater; but never less than 16 or the entire body of passing applicants, whichever is less.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-22-090, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-036 (Order 390), § 356-22-090, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 81-13-030 (Order 157), § 356-22-090, filed 6/15/81; Order 49, § 356-22-090, filed 8/17/72; Order 44, § 356-22-090, filed 4/14/72; Order 36, § 356-22-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-180 and 356-16-190.]

WAC 356-22-100 Examinations—Time and place.

Examinations shall be held at such times and places as are necessary to meet the requirements of the state service, provide economical administration, and be generally convenient for applicants. Examination sites shall be accessible to persons of disability.

[Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-100, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-100, filed 5/12/78; Order 36, § 356-22-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-150.]

WAC 356-22-111 Examinations—Use of aids by applicants. (1)

The director may allow applicants to use mechanical, electrical, or electronic devices, or combinations thereof, that supplement the applicant's capabilities, provided:

(a) The devices are judged by the director to have physical characteristics such as size, acoustical qualities, and portability that will make them not physically disturbing to other applicants taking the examination.

(b) The devices are suitable for and actually allowed to be used in performing the duties of the class for which the applicant is being tested.

(c) The devices do not enhance a physical capability or a mental capability that the test designers intended should be measured unaided by such supplements.

(d) The devices do not supply knowledge to the applicants that the test designers intended should be measured unaided by such supplements.

(2) Unless the device has previously been determined by the director as allowable for use in the examination, applicants will not be allowed to use it.

(3) The use, when allowable, of such devices is optional by the applicants. The department of personnel shall not be required to furnish such devices or make special arrangements for their use.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-05-029 (Order 338), § 356-22-111, filed 2/13/90, effective 4/1/90.]

WAC 356-22-120 Examinations—Promotional—Evaluations—Regulations. (1) Inter-agency and intra-agency promotional examinations shall be announced as the director of personnel determines the need and shall be open to persons who meet the minimum requirement of the position and who are either current employees or employees who have been separated by reduction in force within the last year. Promotional examinations shall consist of one or a combination of the following: Written, performance, or oral test, or rating of training and experience, or other valid test that measures the skills, knowledge and abilities needed for the job class.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the expected type of the examination and the relative weights to be assigned if a combination of tests is used. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in subsection (3) of this section are not met, a promotional evaluation may be used in promotional scores provided that the director of personnel determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-15-078 (Order 379), § 356-22-120, filed 7/23/91, effective 9/1/91; 91-02-028 (Order 364), § 356-22-120, filed 12/24/90, effective 2/1/91; 90-05-029 (Order 338), § 356-22-120, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-22-120, filed 9/22/82; 78-06-017 (Order 120), § 356-22-120, filed 5/12/78; Order 49, § 356-22-120, filed 8/17/72; Order 42, § 356-22-120, filed 1/11/72; Order 36, § 356-22-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-020.]

WAC 356-22-125 Examinations—Desirable qualifications. The director of personnel or designee may approve the substitution of desirable qualifications for established minimum qualifications for a job classification to broaden the recruitment base. Approval may also be given for a specific recruitment when necessary, to meet geographic or program needs. The director of personnel or designee may subsequently remove or amend the desirable qualifications if it is determined that they are no longer appropriate. The use of desirable qualifications shall not conflict with any collective bargaining agreements. Agencies requesting the use, removal, or amendment of desirable qualifications for a job class or recruitment covered by a collective bargaining agreement shall notify the employee organization in writing, prior to the submission of the request.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 93-23-069 (Order 434), § 356-22-125, filed 11/16/93, effective 12/17/93.]

WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified. (1) Upon the written request of the appointing authority, the director of personnel or agency designee with local list authority may waive or modify the minimum qualifications for a class to fill a vacant position on a one-time basis only when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment

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would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel or agency designee with local list authority determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel or agency designee with local list authority may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director or agency designee with local list authority determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a person of disability, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the disability of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the disability.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-22-130, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-03-071 (Order 369), § 356-22-130, filed 1/16/91, effective 3/1/91. Statutory Authority: RCW 41.06.150(17). 80-06-033 (Order 144), § 356-22-130, filed 5/9/80; 78-06-017 (Order 120), § 356-22-130, filed 5/12/78; Order 80, § 356-22-130, filed 7/16/75, effective 8/16/75; Permanent and Emergency Order 50, § 356-22-130, filed 10/19/72; Order 36, § 356-22-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-024.]

WAC 356-22-132 Applications—Minimum qualifications—Volunteer experience. Unless prohibited by the minimum qualifications for a class, experience requirements may be satisfied by related volunteer experience. Such experience shall be computed on the basis of 174.3 hours equals one month's experience.

[Order 74, § 356-22-132, filed 3/7/75.]

WAC 356-22-135 Applications—Minimum qualifications—Education—Substitution. A Washington certificate of educational competence as awarded by the Washington state superintendent of public instruction, or an official report of equivalent acceptable scores on the general educational development test, shall be accepted in lieu of a high school diploma when considering applicants for employment or promotion.

[Order 47, § 356-22-135, filed 6/14/72.]

WAC 356-22-140 Applications—Reexamination. Upon request, the director or designee may authorize an applicant to retake a test provided that:

(1) At least thirty calendar days have elapsed between the dates of the successive test administrations.

(2) The written or oral test is taken not more than three times within a twelve-month period. The count is based on the particular test rather than the job class for which the candidate is testing. When there are equivalent versions of a given test, all versions are considered to be the same test. When a new test is published that has substantially different content which precludes candidates from using a former test score, the count begins anew.

(3) The class is open for filing indicating a continuing recruitment need at the time of applicant's request.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-026 (Order 362), § 356-22-140, filed 12/24/90, effective 2/1/91; Order 36, § 356-22-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-170.]

WAC 356-22-150 Applications—Special. No applicant shall be given a special examination unless the director determines that the applicant's failure to take or complete an examination was due to an error for which the applicant was not responsible.

[Order 36, § 356-22-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-230.]

WAC 356-22-160 Examination ratings—Computation. All applicants for the same register for a class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on a uniform rating or scoring procedure. In establishing passing points, the director may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. Each applicant shall be sent written notice of his/her final rating within a reasonable period after it is finalized.

[Statutory Authority: RCW 41.06.150. 01-17-081, § 356-22-160, filed 8/16/01, effective 9/16/01; Order 49, § 356-22-160, filed 8/17/72; Order 36, § 356-22-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-200.]

WAC 356-22-180 Examination—Oral examining panel. (1) The members of oral examining panels shall be chosen primarily for their ability to judge the qualifications of applicants objectively. At least one member by past experience and training shall be generally familiar with the nature of the work for which the examination is being given. Emphasis will be placed on including at least one affected group member on each oral examining panel.

(2) No examining panel shall have fewer than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such panel.

(3) If conditions require establishing multiple panels, tests and instructions shall be structured to ensure uniformity of examining conditions and rating standards.

(4) Members of oral examining panels shall disclose each instance in which they know an applicant to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify themselves without rating the applicant or biasing the remaining members.

[Statutory Authority: RCW 41.06.150. 99-19-114, § 356-22-180, filed 9/21/99, effective 11/1/99; 99-05-043, § 356-22-180, filed 2/12/99, effective 4/1/99; 98-19-034, § 356-22-180, filed 9/10/98, effective 10/12/98; 87-02-038 (Order 267), § 356-22-180, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-04-014 (Order 117), § 356-22-180, filed 3/9/78; Order 36, § 356-22-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-220.]

WAC 356-22-190 Examinations—Medical. Before appointment, eligibles who are certified may be required to pass a medical examination relevant to the physical demands of the work. The cost of such examination will be borne by the employing agency. Should an eligible's medical examination reveal a job-related disability, the employing agency shall consider ways to provide reasonable accommodation for the disability before making an appointment decision.

[Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-22-190, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-190, filed 5/12/78; Order 36, § 356-22-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-240.]

WAC 356-22-200 Examination—Verification of application content. The director may investigate the applicant's training and experience to verify the statements contained in the application. If the investigation produces information affecting the rating of training and experience, the director shall rerate the applicant's record accordingly and make any necessary adjustments in the register. The director shall also promptly notify the applicant of such rerating within ten calendar days following completion of the investigation.

[Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-22-200, filed 5/12/78; Order 36, § 356-22-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-140.]

WAC 356-22-210 Examinations—Records and retention. Applications and other necessary records shall be kept during the life of the register. Applications or copies of appointees' applications may be transmitted to agency personnel offices or appointing authorities on request. Examination records of applicants not appointed may be destroyed 30 calendar days after the register expires in accordance with the provisions of chapter 40.14 RCW.

[Statutory Authority: RCW 41.06.150. 85-11-074 (Order 223), § 356-22-210, filed 5/22/85; Order 36, § 356-22-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-250.]

WAC 356-22-220 Veterans scoring in examinations. (1) "Veteran" includes every person, who at the time he or she seeks the benefits of this section has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(a) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(b) As a member of the women's air forces service pilots;

(c) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(d) As a civil service crew member with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(e) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.

(2) In all competitive examinations, veterans, as defined in this section and upon submission of their qualifying DD214 form, shall be given additional percentages by adding to the passing score, a percentage of such passing score under the following conditions:

(a) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the final passing score. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(c) Five percent to a veteran who was called from state employment to active military service for one or more years. The percentage shall be added to the first promotional examination only.

(3) The provisions in subsection (2) may be claimed upon or any time after release from active military service.

[Statutory Authority: RCW 41.06.150. 03-20-010, § 356-22-220, filed 9/19/03, effective 9/19/03; 02-15-052, § 356-22-220, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-22-220, filed 9/10/98, effective 10/12/98; 96-11-060, § 356-22-220, filed 5/10/96, effective 6/6/96; 84-14-006 (Order 207), § 356-22-220, filed 6/22/84; Order 68, § 356-22-220, filed 6/25/74; Order 36, § 356-22-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-260.]

WAC 356-22-230 Examinations—Noncompetitive.

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the director has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The director of personnel may designate agency personnel officers to act in the director's behalf, as agents of the department of personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the director. The director of personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the director of personnel in accordance with other provisions of these rules.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-22-230, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-22-230, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-22-230, filed 10/15/79, effective 1/1/80; Order 77, § 356-22-230, filed 5/7/75, effective 6/7/75; Order 71, § 356-22-230, filed 12/30/74; Order 36, § 356-22-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-280.]

WAC 356-22-240 Examinations—Score records—

Duration of maintenance. (1) Any and all grades used in ranking a register shall be nullified at the end of one year. However, the grade will be automatically nullified if a substantially new test is devised and administered to applicants for the class involved.

(2) The director may extend or update the life of the written, oral, performance, and/or evaluation of training and experience grades by class or by individuals who have been

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continuously doing essentially the same kind of work as that for which tested since the date the score was earned.

(3) Whenever a person is promoted and then reverted, except when demoted in lieu of reduction in force, all his examination grades for the class from which he is reverted will be nullified.

[Order 36, § 356-22-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-310.]

Chapter 356-26 WAC

REGISTERS—CERTIFICATION

WAC

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356-26-120	Certification—Errors—Correction.
356-26-130	Certification—Selective—When permitted.
356-26-140	Background check requirements—Department of social and health services and department of services for the blind.

WAC 356-26-010 Registers—Responsibility—Duration—Maintenance. (1) The establishment, maintenance, and adequacy of all ranked and unranked registers shall be the responsibility of the director of personnel.

(2) A person's standing on a register shall be measured from the date that person's name is placed on the register.

(3) Each register shall indicate the person's geographic availability, available information on affected group status, and other appropriate considerations as determined by the director of personnel.

(4) The director of personnel may, as requested, designate agency personnel officers to act as agents of the department of personnel for the purposes of establishing and/or maintaining ranked and unranked local list registers unique to the employing agency and certifying names therefrom under these rules. The director of personnel will be responsible for establishing the necessary procedures which shall include monitoring agency activity. Applicants shall have appeal rights to the director in accordance with all other provisions of the rules.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-26-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-26-010, filed 1/2/87; Order 77, § 356-26-010, filed 5/7/75; Order 36, § 356-26-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-320.]

WAC 356-26-020 Registers—Appointments—How made. (1) When a vacancy occurs, the appointing authority may appoint any person referred from the register maintained for that class of position after making reference to lists of employees who have been officially notified they are scheduled for reduction in force.

(2) Requests for appointments from unranked registers will be made on the prescribed form and forwarded to the

director together with a completed official application. The director shall ascertain that the appointment was made from the appropriate register and will notify the agency of approval or disapproval of appointment.

[Order 36, § 356-26-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-290.]

WAC 356-26-030 Register designation. (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or a higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants. The names of employees in the department of social and health services or department of services for the blind who have been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, shall also be included on this register in accordance with subsection (4)(d)(ii) of this section.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(ii) An employee in the department of social and health services or department of services for the blind who has been separated from their position, voluntarily or involuntarily due to a background check disqualification, except through disciplinary action, may request placement on this register. The employee must meet the desirable qualifications and pass a qualifying exam for classes that are at the same salary level or lower than the position from which he/she was separated. Employees appointed from this register shall be required to serve a trial service period for classes in which they have not held permanent status. For three years from the date of separation from the position requiring the background check, an employee:

(A) May apply and have his/her name remain on this register for the appropriate classes.

(B) Shall continue to accrue seniority.

(C) Will maintain promotional rights from the position requiring the background check.

Upon appointment from this register the employee's name shall be removed from registers authorized by this subsection.

(5) Higher education reduction in force.

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the intersystem employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or

higher education institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(9) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have

received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(10) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(11) Intersystem employment.

(a) Composition. This register shall contain the names of permanent classified employees at higher education institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(12) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

[Statutory Authority: RCW 41.06.150. 04-11-046, § 356-26-030, filed 5/13/04, effective 7/1/04; 01-19-032, § 356-26-030, filed 9/13/01, effective 10/14/01; 98-19-034, § 356-26-030, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-10-008, § 356-26-030, filed 4/21/94, effective 5/31/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-12-088 (Order 421), § 356-26-030, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150. 85-14-008 (Order 224), § 356-26-030, filed 6/24/85; 85-05-030 (Order 217), § 356-26-030, filed 2/15/85; 84-14-006 (Order 207), § 356-26-030, filed 6/22/84; 84-11-091 (Order 204), § 356-26-030, filed 5/23/84, effective 9/1/84; 83-01-115 (Order 179), § 356-26-030, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-030, filed 9/22/82; 81-20-060 (Order 161), § 356-26-030, filed 10/5/81; 80-13-047 (Order 147), § 356-26-030, filed 9/16/80; Order 58, § 356-26-030, filed 9/10/73; Permanent and Emergency Order 50, § 356-26-030, filed 10/19/72; Order 40, § 356-26-030, filed 12/10/71; Order 36, § 356-26-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-330, 356-16-340, 356-16-350, 356-16-360, 356-16-370, 356-16-380, 356-16-390, 356-16-400.]

WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements. (1) The director of personnel or designee may remove the name of an eligible from a register and/or certification for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of employment for a position in the class for which the register was established.

(e) If a candidate from a promotional or open competitive register has waived consideration three times for a position in the class for which the register was established.

(f) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(g) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of affected group members. If a candidate is removed from a register for this reason, that candidate is not eligible to reapply for that same job class for one year.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the per-

sonal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

(k) If an applicant/employee has been determined to be ineligible to be employed in a covered position in accordance with WAC 356-30-012, the applicant/employee's name may be removed from any referral for a covered position and/or any register where all positions in that classification are covered positions.

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1)(b) or (c) of this section. The director of personnel or designee will advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the board upon appeal.

[Statutory Authority: RCW 41.06.150. 02-03-062, § 356-26-040, filed 1/10/02, effective 3/1/02; 01-17-082, § 356-26-040, filed 8/16/01, effective 9/16/01; 00-10-026, § 356-26-040, filed 4/24/00, effective 6/1/00; 98-19-034, § 356-26-040, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-02-040 (Order 414), § 356-26-040, filed 1/5/93, effective 2/1/93; 91-13-041 (Order 375), § 356-26-040, filed 6/14/91, effective 8/1/91. Statutory Authority: RCW 41.06.150. 87-13-072 (Order 279), § 356-26-040, filed 6/17/87, effective 8/1/87; 87-02-038 (Order 267), § 356-26-040, filed 1/2/87; 85-21-113 (Order 237), § 356-26-040, filed 10/23/85, effective 12/1/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-040, filed 9/22/82; 81-13-030 (Order 157), § 356-26-040, filed 6/15/81; Order 87, § 356-26-040, filed 5/4/76, effective 6/5/76; Order 81, § 356-26-040, filed 8/21/75, effective 9/21/75; Order 76, § 356-26-040, filed 3/31/75; Order 36, § 356-26-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-410.]

WAC 356-26-050 Certification—Requests for. (1)

Requests for certification will be submitted in the prescribed manner by the appointing authority to the director when filling vacancies in existing or newly allocated positions. Such requests shall constitute assurance to the director that funds are available for filling vacancies for which registers are requested.

(2) No permanent or probationary appointment to a classified position shall be made without prior authorization by the director or designee.

(3) No certification may be cancelled except for reasons filed with and approved by the director.

[Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-26-050, filed 9/7/88, effective 11/1/88; Order 40, § 356-26-050, filed 12/10/71; Order 36, § 356-26-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-010.]

WAC 356-26-060 Certification—General methods.

Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to six more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

(3) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(4) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age forty and above. More than three additional names per vacancy will be certified if there are eligibles in these categories with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are eligibles in these categories on the existing registers. If there are fewer than three such eligibles on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or

(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(5) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than seven names available for consideration:

(a) The position is in an isolated or undesirable location.

(b) The position has undesirable working conditions.

(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains seven or more available promotional candidates, agencies shall appoint from the promotional candidates.

(6) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the

agency shall advise those employees certified but not appointed of the action taken.

[Statutory Authority: RCW 41.06.150. 02-15-044, § 356-26-060, filed 7/11/02, effective 9/1/02; 99-05-043, § 356-26-060, filed 2/12/99, effective 4/1/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-26-060, filed 9/22/93, effective 10/23/93; 93-08-048 (Order 416), § 356-26-060, filed 4/2/93, effective 5/3/93; 91-02-030 (Order 366), § 356-26-060, filed 12/24/90, effective 2/1/91; 90-12-022 (Order 348), § 356-26-060, filed 5/30/90, effective 6/30/90. Statutory Authority: RCW 41.06.150. 87-24-025 (Order 284), § 356-26-060, filed 11/24/87, effective 1/1/88; 87-02-038 (Order 267), § 356-26-060, filed 1/2/87; 86-21-114 (Order 261), § 356-26-060, filed 10/20/86, effective 12/1/86; 85-23-048 (Order 238), § 356-26-060, filed 11/18/85. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-26-060, filed 9/22/82; 81-20-060 (Order 161), § 356-26-060, filed 10/5/81; 81-03-017 (Order 151), § 356-26-060, filed 1/12/81. Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-26-060, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-060, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-060, filed 10/15/79, effective 1/1/80; Order 112, § 356-26-060, filed 11/7/77; Order 96, § 356-26-060, filed 12/10/76 and 12/20/76; Order 77, § 356-26-060, filed 5/7/75; Order 68, § 356-26-060, filed 6/25/74; Order 66, § 356-26-060, filed 5/28/74; Order 56, § 356-26-060, filed 6/25/73; Order 54, § 356-26-060, filed 4/26/73; Order 36, § 356-26-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-020.]

WAC 356-26-070 Certification—Registers—Order of rank—Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Higher education reduction in force register.
- (6) Service-wide reversion register.
- (7) Transfer register.
- (8) Voluntary demotion register.
- (9) Service-wide promotional register.
- (10) Reemployment unranked register.
- (11) Intersystem employment register.
- (12) Open competitive register.

However, if the director of personnel or agency designee with local list authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel or agency designee to certify names combined from registers (4), (9), (11), and (12) provided:

(a) The written request to the director or agency designee shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of affected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative has been provided a copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by[-]position or a class basis and prior to recruitment or referral.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-26-070, filed 2/12/99, effective 4/1/99; 95-19-098, § 356-26-070, filed 9/20/95, effective 11/1/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-10-008, § 356-26-070, filed 4/21/94, effective 5/31/94. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-26-070, filed 5/23/84, effective 9/1/84; 83-09-030 (Order 183), § 356-26-070, filed 4/15/83. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-26-070, filed

10/5/81; 79-12-072 (Order 138), § 356-26-070, filed 11/30/79, effective 1/1/80; Order 72, § 356-26-070, filed 1/30/75; Order 36, § 356-26-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-030.]

WAC 356-26-075 Certification—Registers—Exception—Agencies merging. When agencies, or portions of agencies are merging, the appointing authorities may request the director to certify affected employees of each agency as agency promotional provided:

(1) That the written request to the director shall specify:

(a) The agencies, or portions of the agencies, affected by the merger;

(b) The effective date of the merger;

(c) The affected employee organizations are notified in writing.

(2) The appointing authority shall notify the employees of the affected divisions or agencies as soon as possible following the written approval by the director.

(3) This section is not intended to modify any requirements contained in collective bargaining agreements.

[Statutory Authority: Chapter 41.06 RCW and 41.06.150. 93-22-081 (Order 433), § 356-26-075, filed 11/1/93, effective 12/2/93.]

WAC 356-26-080 Certification—Exhausted registers—Procedure. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director or agency designee with local list authority may substitute an allied series of registers if he/she determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a temporary appointment providing full and fair consideration has been given to those names certified, and the director or agency designee with local list authority determines that the person meets the announced qualifications and grants approval.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-080, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-26-080, filed 9/7/88, effective 11/1/88; Order 36, § 356-26-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-040.]

WAC 356-26-090 Certification—Underfill. (1) The director of personnel or agency designee with local list authority may authorize the underfilling of a position if a register does not have enough names for a complete certification following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or an allied class as determined by the director or agency designee. Only the number of eligibles needed to complete the certification will be referred from the lower level class in the series or the allied class.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless: The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-26-090, filed 9/20/95, effective 11/1/95; 87-03-032 (Order 269), § 356-26-090, filed 1/14/87, effective 3/1/87; Order 36, § 356-26-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-044.]

WAC 356-26-100 Certification—Local areas—Conditions. The appointing authority may request and the director of personnel may designate, by agency, classes of positions for which only persons living in the area of a vacancy will be considered available for employment. Such classes shall be only those for which there is evidence to show that certification on a statewide basis constitutes a hindrance to efficient and economical hiring by the agency. If certification of at least seven names from the register for that class is not possible, certification shall be from eligibles who have indicated willingness for consideration in that geographic area.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-19-147 (Order 432), § 356-26-100, filed 9/22/93, effective 10/23/93. Statutory Authority: RCW 41.06.150. 83-08-010 (Order 181), § 356-26-100, filed 3/25/83; Order 36, § 356-26-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-050.]

WAC 356-26-110 Certification—Actions required. The department of personnel shall be notified by the appointing authority of actions taken on certifications. The date of selection constitutes the closing of the referral; however, exceptions may be granted in unusual circumstances. Fair consideration must be given to all names certified.

The following actions are allowed and/or required:

(1) Appropriate appointment of one of the names certified.

(2) Request for additional names to replace names of eligibles who:

(a) Were considered, provided they were only from unranked registers.

(b) Waived consideration, which shall be confirmed by the director.

(c) Failed to reply within four days of notice to appear for consideration.

(d) Were not satisfactory for valid and pertinent reasons directly connected with the position as determined by the director from a written report by the appointing authority.

The preceding actions may be taken, provided the additional name or names do not cause the total number of names certified to exceed the number normally certified.

(3) Request for cancellation of the certification in accordance with WAC 356-26-050.

[Statutory Authority: RCW 41.06.150. 99-03-044, § 356-26-110, filed 1/15/99, effective 3/1/99; Order 40, § 356-26-110, filed 12/10/71; Order 36, § 356-26-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-070.]

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WAC 356-26-120 Certification—Errors—Correction. (1) The director shall ensure that the proper actions have been taken and reported.

(2) In the event that a name is certified in error and the error is discovered before one of the named applicants is notified that he or she is appointed, the erroneous certification will be withdrawn and a correct certification made. If a certification is to fill more than one position, only that portion of it pertaining to positions for which applicants have not been notified that they are appointed will be withdrawn.

(3) In the event a name is certified in error and the error is discovered after one of the named applicants is notified that he or she is appointed but prior to the effective date of the appointment, the certification and appointment will be withdrawn as in subsection (2) of this section unless:

(a) Acceptance of the appointment caused the named applicant to change his or her place of residence.

(b) Acceptance of the appointment caused the named applicant to resign from a position that cannot be regained. When the named applicant is a state employee, the agency from which he or she resigned will reinstate the named applicant in his or her previous status.

(4) In the event a name is certified in error and the error is discovered after the effective date of the appointment of one of the named applicants, the director may revoke the appointment and make a proper certification of names. The error may be on the part of any party including erroneous information contained in the application.

(5) Falsification or misrepresentation of information on an application for employment will be cause to remove an applicant's name from the register. If the applicant has been appointed prior to the discovery of the falsification or misrepresentation, the director or the appointing authority may revoke the appointment during the probationary period. After the probationary period the appointing authority may dismiss the employee for cause pursuant to WAC 356-34-010.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-009 (Order 396), § 356-26-120, filed 12/20/91, effective 2/1/92. Statutory Authority: RCW 41.06.150. 89-02-010 (Order 311), § 356-26-120, filed 12/28/88, effective 2/1/89; Order 76, § 356-26-120, filed 3/31/75; Order 36, § 356-26-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-080.]

WAC 356-26-130 Certification—Selective—When permitted. An appointing authority may request a selective certification of eligibles who have specialized qualifications that are required for the successful performance of the duties of the position, and cannot be gained within the probationary or trial service period. This request must be made prior to certification.

If the director of personnel determines that the facts and reasons justify the request, the highest ranking eligibles who have the specialized qualifications shall be certified.

(1) Selective certification based on gender shall not be made without a bona fide occupational qualification approved by the human rights commission.

(2) The director of personnel may selectively certify eligibles who are filling project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register.

(3) Selective certification of eligibles who possess an appropriate, valid motor vehicle operator's license may be

required for positions whose duties require specific driving skills.

[Statutory Authority: RCW 41.06.150. 02-03-063, § 356-26-130, filed 1/10/02, effective 3/1/02; 87-02-038 (Order 267), § 356-26-130, filed 1/2/87; 85-07-060 (Order 219), § 356-26-130, filed 3/20/85. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-26-130, filed 11/30/79, effective 1/1/80; 79-11-046 (Order 136), § 356-26-130, filed 10/15/79, effective 1/1/80; Order 69, § 356-26-130, filed 9/30/74; Order 47, § 356-26-130, filed 6/14/72; Order 39, § 356-26-130, filed 9/15/71; Order 36, § 356-26-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-090.]

WAC 356-26-140 Background check requirements—Department of social and health services and department of services for the blind. (1) The department of social and health services and department of services for the blind shall conduct background checks on employees in covered positions and persons under final consideration for a covered position in accordance with WAC 356-30-012 or WAC 67-16-040.

[Statutory Authority: RCW 41.06.150. 04-11-046, § 356-26-140, filed 5/13/04, effective 7/1/04; 02-07-050, § 356-26-140, filed 3/14/02, effective 5/1/02; 01-19-032, § 356-26-140, filed 9/13/01, effective 10/14/01. Statutory Authority: RCW 41.06.150 and chapters 43.43 and 72.23 RCW. 89-19-062 (Order 329), § 356-26-140, filed 9/20/89, effective 10/21/89. Statutory Authority: RCW 41.06.150. 87-06-024 (Order 271), § 356-26-140, filed 2/24/87.]

Chapter 356-30 WAC

APPOINTMENTS—SEPARATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-30-020	Appointments—Provisional—Recruitment. [Order 36, § 356-30-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-140.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.
356-30-030	Appointments—Provisional—Limitations—Prohibited. [Statutory Authority: RCW 41.06.150. 83-12-002 (Order 184), § 356-30-030, filed 5/19/83; Order 36, § 356-30-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-150.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.
356-30-040	Appointments—Provisional—Employees accepting. [Order 36, § 356-30-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-160.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.
356-30-045	Appointments—Past exempt employees—To classified positions. [Order 82, § 356-30-045, filed 9/26/75, effective 10/27/75; Order 63, § 356-30-045, filed 2/26/74.] Repealed by 82-19-092 (Order 175), filed 9/22/82. Statutory Authority: RCW 41.06.150(17).
356-30-070	Appointments—Acting. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-30-070, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-12-072 (Order 138), § 356-30-070, filed 11/30/79, effective 1/1/80; Order 56, § 356-30-070, filed 6/25/73; Order 36, § 356-30-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-194.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.
356-30-080	Temporary appointments—Exempt service. [Statutory Authority: RCW 41.06.150. 84-12-079 (Order 206), § 356-30-080, filed 6/6/84. Statutory Authority: RCW 41.06.150(17). 80-15-052 and 81-03-064 (Orders 148 and 148A), § 356-30-080, filed 10/13/80 and 1/20/81; 78-12-026 (Order 126), § 356-30-080, filed 11/15/78; Order 36, § 356-30-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-210, 356-24-230 and 356-24-240.] Repealed by 88-18-096 (Order 308), filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150.
356-30-146	Project employment—CETA—Title II and VI. [Statutory Authority: RCW 41.06.140(17). 80-04-025 (Order 142), § 356-30-146, filed 3/14/80. Statutory Authority: RCW 41.06.150(17). 79-09-034 (Order 132), § 356-30-146, filed 8/16/79, effective 10/1/79; Order 106, § 356-30-146, filed 7/25/77.] Repealed by 83-01-115 (Order 179), filed 12/22/82. Statutory Authority: RCW 41.06.150.
356-30-302	Performance evaluation—Management employees—Requirements—Monitoring. [Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-302, filed 8/10/84.] Repealed by 85-19-078 (Order 230), filed 9/18/85. Statutory Authority: RCW 41.06.150.

WAC 356-30-005 Appointments—Permitted within rules. No person may be appointed to or within the classified service except as provided by these rules.

[Statutory Authority: RCW 41.06.150(17). 78-06-017 (Order 120), § 356-30-005, filed 5/12/78.]

WAC 356-30-007 Appointment—Authority—Delegation of. Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

[Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-007, filed 9/22/82.]

WAC 356-30-010 Appointments—Bona fide occupational qualifications. All appointments and assignments of work in the state service shall be made on the basis of merit. However, restrictions based on creed, sex, or disability may be considered by the appointing authority when such restrictions have been approved by the human rights commission as bona fide occupational qualifications. Appointing authorities need not obtain approval from the human rights commission when taking action to reasonably accommodate a person of disability or when appointing persons with disabilities, Vietnam Era veterans and disabled veterans, and persons age forty and above from a supplemental referral.

[Statutory Authority: RCW 41.06.150. 99-05-043, § 356-30-010, filed 2/12/99, effective 4/1/99; 87-02-038 (Order 267), § 356-30-010, filed 1/2/87; Order 36, § 356-30-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-105.]

WAC 356-30-012 Department of social and health services—Background check requirements. (1) The secretary of the department of social and health services shall conduct background checks on all employees in covered positions ("employees") and persons under final consideration for a covered position ("applicants"). A covered position is one in which a person will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. Employees and applicants shall authorize the secretary of the department of social and health services to conduct a background check.

(2) The requirement for background checks shall include the following:

(a) Any employee seeking a covered position because of a reduction in force, reallocation, transfer, promotion or demotion.

(b) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis under subsection (6)(b) of this section.

(3) A background check will be conducted on the final preferred candidate prior to appointment.

(4) The secretary of the department of social and health services shall use the results of a background check solely to determine the character, competence and suitability of a person for a covered position. The background check information shall consist of:

(a) Conviction records, pending charges, and disciplinary board final decisions.

(b) Evidence that substantiates or mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(i) The employee or applicant's background check authorization and disclosure form;

(ii) The employee or applicant's age at the time of conviction, charge, or disciplinary board final decision;

(iii) The nature and severity of the conviction, charge, or disciplinary board final decision;

(iv) The length of time since the conviction, charge, or disciplinary board final decision;

(v) The nature and number of previous offenses;

(vi) Vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee or applicant will or may have unsupervised access; and

(vii) The relationship between the nature of the conviction, pending charge, or disciplinary board final decision and the duties of the employee or applicant.

(5) A permanent employee with a background check disqualification is subject to any of the following actions:

(a) Job restructuring;

(b) Job reassignment;

(c) Voluntary demotion;

(d) Voluntary resignation;

(e) Nondisciplinary separation. The employee shall be separated by the appointing authority after fifteen calendar days written notice unless the employee requests a shorter notice period;

(f) Disciplinary action for any of the causes listed in WAC 356-34-010; and/or

(g) Interim measures that may be used while the appointing authority explores the availability of actions (not to exceed 30 calendar days except in cases where there are investigations of pending charges):

(i) Voluntary use of accrued vacation, exchange, and/or compensatory time.

(ii) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave.

(iii) Reassignment to another work location.

(h) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(6) The secretary of the department of social and health services shall:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check; and

(c) Develop policies and procedures pertaining to background checks.

(d) Notify employees of their promotional register rights when they have been separated from their position, either voluntarily or involuntarily due to a background disqualification.

(7) Failure to authorize the secretary of the department of social and health services to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

(8) An applicant for a covered position who is denied employment due to a disqualifying background check may request a review by the appointing authority.

(a) Requests for review must be in writing and received by the appointing authority within fifteen calendar days of the postmark date of the notification.

(b) If the applicant disagrees with the appointing authority's decision, the applicant may request a review by the director of the department of personnel in accordance with WAC 356-34-090.

(9) A separation under subsection (5)(e) of this section shall not be considered a disciplinary action as set forth in WAC 356-34-010.

(10) Permanent employees may appeal to the personnel appeals board in accordance with RCW 41.06.170 and rules promulgated thereunder including WAC 358-20-010 and 358-20-020.

(11) Nothing in this rule shall limit the secretary of the department of social and health services' use of other authorities to conduct background checks.

(12) Information pertaining to background checks is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. Misuse of background check information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

(13) The department of social and health services will submit a report to the board by January 31, 2002, reporting actions taken under subsection (5) of this rule and placement of employees into other positions within the agency.

[Statutory Authority: RCW 41.06.150. 01-19-032, § 356-30-012, filed 9/13/01, effective 10/14/01.]

WAC 356-30-015 Appointments—Prohibition of multiple appointments to single position—Exceptions. Multiple appointments to single positions within the classified service shall be restricted to the following situations:

(1) Tandem or part-time employment where the total FTE's for all persons in the position(s) does not exceed one FTE per position

(2) Reasonable training periods

(3) Periods of approved leave of absence

(4) Emergency or temporary appointments made in accordance with the merit system rules.

Any exceptions not permitted by this section must be approved in advance by the director of personnel, or designee.

[Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-30-015, filed 9/7/88, effective 11/1/88. Statutory Authority: RCW 41.06.150(17). 78-10-092 (Order 124), § 356-30-015, filed 10/2/78.]

WAC 356-30-025 Nonpermanent appointments—Duration. No consecutive nonpermanent appointment of an employee who has worked for the same agency for 1560 nonovertime hours, not to exceed twelve months from the appointment date, may be made without a three-month break in service except as provided by WAC 356-30-065(4), 356-30-067(7), and 356-30-140. All time spent in nonpermanent appointments counts toward the 1560 hour limit.

[Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-025, filed 3/14/02, effective 5/1/02; 89-04-027 (Order 313), § 356-30-025, filed

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1/25/89, effective 3/1/89; 88-21-028 (Order 309), § 356-30-025, filed 10/11/88.]

WAC 356-30-050 Appointments—Emergency—

How made—Status. (1) When an emergency occurs requiring the immediate services of a person or persons, the appointing authority may appoint a person without following the normal procedures governing appointment. The appointment shall be based on the availability and fitness of the applicant, as well as consideration of the agency's affirmative action program.

(2) An emergency appointment of an individual shall not exceed thirty calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.

(4) The director of personnel shall monitor emergency appointments made pursuant to this section and may revoke delegated authority where abuse is found.

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-30-050, filed 1/3/96, effective 2/3/96; 88-21-028 (Order 309), § 356-30-050, filed 10/11/88; 87-02-038 (Order 267), § 356-30-050, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 79-08-029 (Order 130), § 356-30-050, filed 7/16/79; Order 109, § 356-30-050, filed 9/7/77; Order 36, § 356-30-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-170.]

WAC 356-30-060 Appointments—Underfill. (1)

When an underfill appointment has been made from a certification authorized within these rules, the employee shall be advised in writing by the appointing authority of the underfill status of the appointment.

(2) The employee shall be paid within the salary range for the class from which certified and shall be evaluated against the standards for the lower class.

(3) The appointing authority shall provide the additional supervision and training to prepare the employee for the duties of the higher level class.

[Order 36, § 356-30-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-184.]

WAC 356-30-065 Temporary appointments—From outside state service.

(1) Temporary appointments may be made to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than 1560 nonovertime hours, not to exceed twelve months from the appointment date. All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(4) No temporary appointment of an employee who has worked for the same agency for 1560 nonovertime hours within twelve months from the appointment date may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same

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agency which would cause the employee to work more than 1560 nonovertime hours within twelve months from the appointment date can only be made with the approval of the director of personnel. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond 1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

[Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-065, filed 3/14/02, effective 5/1/02; 97-19-044, § 356-30-065, filed 9/11/97, effective 11/1/97; 88-18-096 (Order 308), § 356-30-065, filed 9/7/88, effective 11/1/88; 84-21-071 (Order 210), § 356-30-065, filed 10/17/84; 84-12-079 (Order 206), § 356-30-065, filed 6/6/84.]

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee, to reduce the effects of an impending or actual reduction in force, or during a workload peak when there is a need to fill a position for not more than 1560 nonovertime hours, not to exceed twelve months from the appointment date or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service

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unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than 1560 nonovertime hours, not to exceed twelve months from the appointment date for single or multiple appointments. An extension may be approved by the director when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

[Statutory Authority: RCW 41.06.150. 02-07-049, § 356-30-067, filed 3/14/02, effective 5/1/02; 97-19-044, § 356-30-067, filed 9/11/97, effective 11/1/97. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-067, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150. 89-14-026 (Order 320), § 356-30-067, filed 6/26/89, effective 8/1/89; 89-04-027 (Order 313), § 356-30-067, filed 1/25/89, effective 3/1/89; 88-18-096 (Order 308), § 356-30-067, filed 9/7/88, effective 11/1/88.]

WAC 356-30-075 Appointments—Veterans—Non-competitive. (1) Appointing authorities shall prefer veterans, as defined in subsection (2)(a) of this section and their widows, widowers, and spouses during their initial entrance into state service when considering selecting persons from eligible lists to fill vacancies in the noncompetitive service as described in WAC 356-22-230(1). Those veterans, widows, widowers and eligible spouses determined to be at least equal

to nonveterans shall be preferred over the nonveterans except appointing authorities may, with the approval of the director of personnel, consider affected group status and periods of military service when endeavoring to satisfy their established and approved agency affirmative action plans.

(2) For the purpose of defining the eligible veterans and their widows, widowers and spouses referred to in subsection (1) of this section:

(a) "Veteran" means honorably discharged persons following active service in any war of the United States or in any military campaign for which a campaign ribbon shall have been awarded.

(b) "Widow" and "widower" means the person who was married to the veteran defined in (a) of this subsection at the time of the veteran's death and who has not since remarried.

(c) "Spouse" means the person married to the veteran as defined in (a) above, when that veteran has a service connected permanent and total disability.

(3) "Equal" as referred to in subsection (1) of this section shall be determined by the appointing authorities as follows:

(a) Filling vacancies from the lists in the noncompetitive service. The appointing authority shall use a score resulting from an established systematic evaluation of the applicant's work and/or educational and training background, evaluated both for length of time and quality of experiences. Also, appointing authorities may uniformly use other merit factors that are specifically job-related in making determinations. When appointing authorities do select persons other than those listed in subsection (2) of this section who have lesser scores than those persons listed in subsection (2) of this section, they shall forward to the director of personnel an explanation and the relative standing of the eligibles selected.

(b) A description of the established systematic evaluation system by agencies must be submitted to the director of personnel. Upon request, the director of personnel will make the services of the department of personnel available, to recommend the merit and job-related factors and procedures for judging relative qualities.

[Statutory Authority: RCW 41.06.150. 00-10-026, § 356-30-075, filed 4/24/00, effective 6/1/00; 87-02-039 (Order 268), § 356-30-075, filed 1/2/87. Statutory Authority: RCW 41.06.150(17). 79-11-046 (Order 136), § 356-30-075, filed 10/15/79, effective 1/1/80.]

WAC 356-30-090 Temporary employment—Employment—Permanent employees—Status. A permanent employee has the right to assume a temporary position and the right to resume a permanent position with permanent status at the conclusion of such temporary appointment.

[Order 36, § 356-30-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-280.]

WAC 356-30-100 Termination of temporary employment—Notice. A temporary employee may be terminated from temporary service without the right of appeal or hearing after being given one full working day's notice prior to the effective date of the termination.

[Order 36, § 356-30-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-270.]

WAC 356-30-110 Permanent part-time employment—Hiring procedure. Appointments to permanent part-

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time positions shall be made, where possible, from among those on an established register who have indicated availability for permanent part-time employment.

[Order 36, § 356-30-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-300.]

WAC 356-30-120 Part-time employment—Rights acquired. (1) Any person certified from the register and employed regularly as a part-time employee for six months will be eligible to promote to another part-time position but may assume the rights of a permanent full-time employee, for promotional purposes, only after completing 1040 hours of employment in that position.

(2) Agencies may increase the hours assigned to a position from part time to full time. Upon approval from the director or designee, a part-time employee occupying such position, or a tandem position, may convert to full-time status in that position provided the employee has been in the position at least six months following certification from the permanent part-time register. Prior notification to the exclusive representative is required for positions in bargaining units.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-02-010 (Order 397), § 356-30-120, filed 12/20/91, effective 2/1/92; Order 36, § 356-30-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-310.]

WAC 356-30-130 Seasonal career employment. (1) Seasonal career employees are those in seasonal career positions or employees whose repeated pattern of work is defined as the second pattern (2) in the definition of seasonal career employment.

(2) Positions which are established to respond to cyclic work load requirements and which meet the definition of seasonal career employment shall be established as seasonal career positions: Provided, That the agency will not establish seasonal career positions which circumvent the utilization of full-time positions.

(3) An initial appointment into seasonal career employment shall be from a register or lists; except that employees selected for a fourth consecutive season of cyclical temporary employment, as provided in the definition of seasonal career employment, shall be granted a seasonal career appointment provided they pass a qualifying examination for the classification in which they are employed.

(4) Upon completion of the probationary period of 1040, 1560, or 2080 accumulated scheduled hours (if serving a six-month, nine-month, or twelve-month probationary period), employees in seasonal career employment shall assume the rights of a permanent employee. Past service that later entitles employees to seasonal career employment will count toward permanent status at the beginning of the fourth qualifying season.

(5) Seasonal career employees affected by reduction in force, reduction in hours of work, subsequent reemployment or increase in scheduled hours of work will have their reduction in force rights only within their seasonal career layoff unit and will compete based on seniority. Notification of reduction in force or alterations of work schedules shall be given no later than two working days prior to the effective date. Seniority gained by seasonal career employees during seasonal layoff shall be disregarded.

(6) Seasonal career reduction in force registers shall be maintained and posted within their respective agencies in accordance with the agency's reduction in force procedures and policies.

(7) Seasonal career employees separated due to a reduction in force shall be placed on a separate seasonal career reduction in force register for the season and/or duration for which they were laid off.

[Statutory Authority: RCW 41.06.040 and 41.06.150, 93-12-088 (Order 421), § 356-30-130, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 41.06.150, 84-10-054 (Order 202), § 356-30-130, filed 5/2/84; 84-02-030 (Order 194), § 356-30-130, filed 12/30/83; Order 58, § 356-30-130, filed 9/10/73; Order 36, § 356-30-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-290.]

WAC 356-30-135 In-training appointments. (1) The director of personnel or designee, upon request from an agency after the agency has consulted with the exclusive representative, may designate specific positions, groups of positions, or entire classes of positions, as in-training positions. The request or documentation shall include a description and length of the training program. The training program shall include one or more of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school or professional training organization;

(d) Written, oral and/or practical examination(s).

(2) Positions designated as in-training may be at any level within a class series or related series provided that positions whose primary responsibility involves supervision will not normally be designated as in-training.

(3) In-training positions may be filled at any level within the designated class series or related series in accordance with the rules governing appointments to permanent positions.

(4) The employee will automatically advance to the higher level after satisfactory completion of the training program requirements for the lower level.

(5) Agency training programs shall confine in-training time at each training class level to a period of not less than six months and not more than twenty-four months. The class level occupied by a trainee shall determine the level of the position to be used to pay and evaluate the trainee.

(6) Employees will serve a probationary period or trial service period at each level within the in-training series. When employees are in their probationary or trial service period and are advanced to the next highest level in the in-training class series, they shall complete the terms of the original probationary or trial service period.

(7) Employees who fail to progress through each level of the in-training series will be subject to the following actions:

(a) Employees in probationary status: Employees who enter positions, without first attaining permanent status, may be dismissed during their probationary period if they fail to meet the required standards of the in-training position.

(b) Employees in trial service status: Permanent employees who are promoted into in-training positions and who are unsuccessful in completing their trial service period shall, at the discretion of the agency, either be returned to

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their former class and position or have reversion rights to their former class and status held prior to promotion into the in-training series. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(c) Employees with permanent status in an in-training position: Employees who have completed their probationary or trial service period but are unsuccessful in attaining subsequent advancement through the in-training series may be removed from the in-training series under the provisions of WAC 356-34-010. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(8) Time spent in nonpermanent appointments in an in-training position prior to a permanent appointment into the position shall not normally be credited as part of the in-training period. After permanent appointment to an in-training position, time spent in a nonpermanent appointment to a higher level within the in-training series shall be credited as part of the training period for the lower level but the time shall not be credited toward completion of the training period for the higher level. Exceptions will be considered during the review of the request.

(9) Time spent in a position prior to an in-training designation shall not normally be credited as part of the training period. Exceptions will be considered during the review of the request.

(10) Transfer of an employee from one in-training position to another in-training position at the same level within the series shall not extend the training period.

(11) The director of personnel may delegate authority to an agency designee with local list authority to designate specific positions, groups of positions, or entire classes of positions, as in-training positions, after the agency has consulted in advance with the exclusive representative.

[Statutory Authority: RCW 41.06.150, 95-19-098, § 356-30-135, filed 9/20/95, effective 11/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150, 91-02-030 (Order 366), § 356-30-135, filed 12/24/90, effective 2/1/91.]

WAC 356-30-140 Intermittent employment—Rules—Regulations. (1) Intermittent appointments may be made with the approval of the director of personnel or designee. An intermittent appointment shall be approved when the nature of the work is intermittent in character fitting no particular pattern. An employee may not work more than 1560 nonovertime hours within any twelve-month period in an intermittent appointment. A position which is filled beyond the 1560 nonovertime hours within a twelve-month period shall be vacated for a minimum of three months. All nonovertime hours spent in other nonpermanent appointments will be counted in the 1560 hour limit.

(2) Intermittent appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Intermittent appointees must meet the minimum qualifications for the class in which they are hired unless the director of personnel determines that program needs demand otherwise. Established registers may be used when making intermittent appointments.

(4) Consecutive appointments of the same person in the same agency may be made as long as the employee does not

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work more than 1560 nonovertime hours in a twelve-month period.

(5) No person can become a permanent employee because of time served as an intermittent employee.

(6) Intermittent employees who accept temporary appointments may return to intermittent employment and resume intermittent status without approval of the director of personnel if they have not exceeded 1560 nonovertime hours in all nonpermanent appointments within the last twelve months. If the employee reaches 1560 nonovertime hours in the last twelve months, a mandatory three-month break must be made, unless the director of personnel determines otherwise.

(7) Agencies must review intermittent appointments on a quarterly basis to ensure that intermittent employees are employed in accordance with these rules.

(8) The director of personnel shall monitor intermittent appointments made pursuant to this section and may revoke delegated authority where abuse is found.

[Statutory Authority: RCW 41.06.150, 02-07-049, § 356-30-140, filed 3/14/02, effective 5/1/02; 89-14-026 (Order 320), § 356-30-140, filed 6/26/89, effective 8/1/89; 89-04-027 (Order 313), § 356-30-140, filed 1/25/89, effective 3/1/89; 88-18-096 (Order 308), § 356-30-140, filed 9/7/88, effective 11/1/88; Order 36, § 356-30-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-200.]

WAC 356-30-143 Intergovernmental mobility. In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the director or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited.

[Statutory Authority: RCW 41.06.150, 04-15-018, § 356-30-143, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-30-143, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17), 78-10-070 (Order 123), § 356-30-143, filed 9/26/78; 78-06-017 (Order 120), § 356-30-143, filed 5/12/78.]

WAC 356-30-145 Project employment. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and of time limited duration.

(2) The designation of competitive project employment will be initiated and approved by the director of personnel, or authorized proposing agency designee. Such designation documentation will include:

- (a) The nature and scope of the program.
- (b) Source and conditions of funding.
- (c) Explanation of why project status should be used rather than regular classified service.
- (d) Explanation of why competitive service is not practical to use if noncompetitive service is requested.
- (e) Relationship of project to regular operations and programs of the agencies.
- (f) Number of positions.
- (g) Duration.
- (h) Proof of notice to the employee organizations affected in advance of the project.

(i) Project employees benefits.

(3) The director or agency designee may extend a project beyond its scheduled term.

(4) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.

(5) Positions in project employment will be in the competitive service unless the director determines otherwise. Grounds such as special requirements of the project contract, insufficient time to recruit and unavailability of a register, or other circumstances where a competitive exam is not practicable may warrant use of the noncompetitive service. Requests to the director for noncompetitive project positions shall include all of the information in (2) above.

(6) Employees hired into project positions must be notified, in writing, of the expected ending date of their employment.

(7) Project employees who have entered into project employment without permanent status, will gain permanent project status upon completion of their probationary period and shall be entitled to appropriate rights within project employment and to those outlined below.

(a) Once permanent project status has been gained, project employees may have their names placed on the transfer or voluntary demotion register for regular positions in the same or similar job classes for which permanent project status has been gained.

(b) Permanent project employees who entered project employment via the noncompetitive process must be certified from the appropriate register in order to transfer, voluntarily demote, or promote directly into regular positions. These employees may continue to apply for regular positions via the open competitive route.

(c) Permanent project employees who entered project positions via the competitive process may transfer, voluntarily demote, or apply as promotional candidates to regular classified positions as though they were permanent employees unless permanent employees have been prohibited from competing for the project positions.

(d) Project employees who have gained permanent project status, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period.

(e) Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.

(8) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency.

(9) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except permanent employees who left regular classified positions to accept project employment will have the reduction in force rights of the position they left. Time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions,

who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register. Upon reduction in force from the project, project employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force registers for the classes in which permanent project status was attained. Bumping options will be limited to the project boundaries.

(10) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick leave and other benefits provided to employees in these rules.

[Statutory Authority: RCW 41.06.150. 95-19-098, § 356-30-145, filed 9/20/95, effective 11/1/95; 88-18-096 (Order 308), § 356-30-145, filed 9/7/88, effective 11/1/88; Order 112, § 356-30-145, filed 11/7/77; Order 74, § 356-30-145, filed 3/7/75; Order 51, § 356-30-145, filed 12/19/72; Order 47, § 356-30-145, filed 6/14/72; Permanent and Emergency Order 39, § 356-30-145, filed 9/15/71.]

WAC 356-30-150 Promotion—Policy. Insofar as practicable, consideration shall be given to employees within an agency and vacancies filled by intraagency promotion before consideration of employees on the interagency promotional register or open competitive register.

[Order 36, § 356-30-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-010.]

WAC 356-30-160 Eligibility for promotional examination and certification. No probationary employee shall be certified from a promotional register until the employee has served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of the probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience.

[Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-160, filed 9/22/82; Order 36, § 356-30-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-040.]

WAC 356-30-170 Promotion—Underfill. (1) When an employee underfilling a position meets the requirements for the higher class, he shall be promoted following successful completion of the examination.

(2) The director may waive the minimum qualifications and admit the employee to the examination upon certification of the appointing authority that the employee has satisfactorily performed in the position for a minimum of one year.

[Order 36, § 356-30-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-054.]

WAC 356-30-180 Transfer requiring relocation of position with incumbent—Domiciliary movement. (1) All transfers of permanent employees from one position to another position in a different geographic area that will require an incumbent to move his/her domicile to be within reasonable commuting distance of the new position will be

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made with the voluntary concurrence of the incumbent. Such actions shall be reported to the director.

(2) Relocation of positions occupied by incumbents from one geographic area to another geographic area because of a reduction of work, lack of work, lack of funds, or good faith reorganization for efficiency purposes shall be made in accordance with the reduction in force rules and employee rights therein.

[Statutory Authority: RCW 41.06.150. 87-24-024 (Order 283), § 356-30-180, filed 11/24/87, effective 1/1/88; Order 112, § 356-30-180, filed 11/7/77; Order 36, § 356-30-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-070.]

WAC 356-30-190 Transfer—Within class—Agency—Permitted—Report. A transfer of a permanent employee to another position in the same class within the same agency may be made at any time by the appointing authority provided such transfers are offered first to employees on the reduction in force registers and employees in the layoff unit who have been notified they are scheduled for reduction in force. However, transfers within the employee's own layoff unit may be made without consulting the reduction in force registers. Transfers made in accordance with this rule shall be reported to the director.

[Statutory Authority: RCW 41.06.150. 87-24-024 (Order 283), § 356-30-190, filed 11/24/87, effective 1/1/88; Order 36, § 356-30-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-080.]

WAC 356-30-200 Transfer—Between classes—Approval. (1) A transfer of a permanent employee from a position in one class to a position in another class having the same salary range may be made upon approval of the director of personnel that the employee has the minimum qualifications for the position to which transfer is proposed. The director of personnel may require a qualifying examination.

(2) A permanent employee may also apply promotionally for positions in other class series which by definition are transfers. Employees who transfer under the provisions of this subsection shall serve a trial service period.

[Statutory Authority: RCW 41.06.150(17). 81-01-054 (Order 150), § 356-30-200, filed 12/12/80; Order 36, § 356-30-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-090.]

WAC 356-30-210 Transfer—Between agencies—Restrictions. The transfer of a permanent employee between agencies, within class or between classes (subject to the limitations of WAC 356-30-200), may be made at any time with the approval of the appointing authorities concerned, provided employees who have been separated due to reduction in force and employees who have been notified that they are scheduled for reduction in force have first been offered the transfer in accordance with their seniority. Report of the transfer shall be made to the director of personnel. Employees who transfer under the provisions of this section shall not serve a trial service period and shall be permanent employees of the gaining agency. For purposes of this section, each institution and branch office may be considered an agency.

[Statutory Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-30-210, filed 9/26/78; Order 53, § 356-30-210, filed 1/15/73; Order 36, § 356-30-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-100.]

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WAC 356-30-220 Reemployment—Status. (1) Any person who has received permanent appointment to a position in the state service and who has separated therefrom, may be reemployed to a position with the same or similar duties to those he previously performed, provided he has been certified from the reemployment register.

[Order 36, § 356-30-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-110.]

WAC 356-30-230 Demotion—Voluntary. (1) Permanent employees, or employees separated within the last year by reduction in force, may accept a voluntary demotion to a class for which they qualify, as determined by the director of personnel or designee provided such positions are offered in order of seniority first to employees on the agency and service-wide reduction in force registers and to employees within the layoff unit who have been notified in writing that they are scheduled for reduction in force. The employee will not serve a trial service period unless referred from the promotional or voluntary demotion register to a class not previously held.

(2) Voluntary demotions to a class in which the employee has not held permanent status may require examination as determined by the director of personnel or designee.

(3) A proposed demotion shall be approved by the director of personnel or designee prior to the effective date of the action.

(4) Permanent employees may compete promotionally for classes or positions in other series which by definition are demotions.

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-30-230, filed 1/3/96, effective 2/3/96; 87-24-024 (Order 283), § 356-30-230, filed 11/24/87, effective 1/1/88; 84-10-054 (Order 202), § 356-30-230, filed 5/2/84; Order 36, § 356-30-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-120, 356-24-130 (part) and 356-24-140.]

WAC 356-30-240 Elevation. Employees may be elevated with permanent status to a class in which they previously held permanent status or to any intermediate class in the class series. Elevations may not be made to a position for which eligibles on either agency reduction in force or service-wide reduction in force registers are available. No further examination will be required. The elevation shall be approved by the director prior to the effective date of the action.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-027 (Order 412), § 356-30-240, filed 9/28/92, effective 11/1/92; Order 82, § 356-30-240, filed 9/26/75, effective 10/27/75; Order 80, § 356-30-240, filed 7/16/75; Order 36, § 356-30-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-160.]

WAC 356-30-250 Resignations—Leave penalties—Withdrawals. (1) An employee who gives 15 calendar days' written notice to the appointing authority shall be entitled to compensation for accrued vacation leave computed as provided in these rules.

(2) Employees giving less than 15 calendar days' written notice, without adequate reason or justification, may be denied compensation for their accrued vacation leave.

(3) The written notice shall include the date of submittal, the effective date, and the reason for the resignation. The

effective date and the reason for the resignation shall be reported to the director.

(4) A permanent employee has the right to withdraw a resignation by submitting written notice of such withdrawal at any time within 72 hours (excluding Sundays and holidays) after submission of the resignation. Thereafter, the appointing authority may permit withdrawal of a resignation at any time prior to the effective date of the resignation.

[Order 100, § 356-30-250, filed 3/30/77; Order 36, § 356-30-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-180.]

WAC 356-30-255 Separations—Immigration Reform and Control Act. Employees must comply with the personal identification and work authorization reporting requirements of the federal Immigration Reform and Control Act ("I.R.C.A."). Upon written notification by the appointing authority that an employee does not appear to be in compliance with those requirements, the employee must provide proof of compliance within five working days. If an employee complies or demonstrates proof of compliance within five working days, no separation from state employment for failure to comply with I.R.C.A. shall occur. If an employee does not comply or demonstrate proof of compliance with I.R.C.A. within five working days, that employee shall be notified in writing by the appointing authority of the employee's separation from state employment, effective one full working day after the date of such notification. Such separations shall be based solely on lack of compliance with I.R.C.A., shall not be considered a separation for disciplinary reasons, and shall not be based on national origin, race, physical characteristics or appearance, or other factors prohibited by law.

[Statutory Authority: RCW 41.06.150. 87-13-072 (Order 279), § 356-30-255, filed 6/17/87, effective 8/1/87.]

WAC 356-30-260 Probationary period—Provisions—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the director. Employees appointed from the open competitive or promotional register prior to completing their probationary period shall start a new probationary period, except as provided in WAC 356-30-280. The director shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The director shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of thirty in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds thirty calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-30-260, filed 7/8/04, effective 8/8/04; 02-15-053, § 356-30-260, filed 7/11/02, effective 9/1/02; 01-23-014, § 356-30-260, filed 11/8/01, effective 1/1/02; 99-01-052, § 356-30-260, filed 12/10/98, effective 1/11/99; 98-19-034, § 356-30-260, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-260, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-260, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-260, filed 2/19/88, effective 4/1/88. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-260, filed 9/22/82; Order 36, § 356-30-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-220.]

(2005 Ed.)

WAC 356-30-270 Probationary period—Dismissal—Notice—Rights acquired. (1) An employee may be dismissed during a probationary period after being given written notice indicating the reasons for the dismissal five working days prior to the effective date of dismissal. However, if the agency believes the good of the service requires the immediate dismissal of the probationary employee, written notice of only one full working day prior to the effective date of the dismissal will be required.

(2) An employee dismissed during a probationary period shall not have the right to appeal the dismissal. When proper advance notice of the dismissal is not given, the employee may enter an appeal for payment of salary for up to five days which the employee would have worked had proper notice been given. If such a claim is sustained, the employee will be entitled to the appropriate payment of salary but will not be entitled to reinstatement.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 89-20-003 (Order 330), § 356-30-270, filed 9/21/89, effective 11/1/89. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-270, filed 8/31/83; Order 36, § 356-30-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-240.]

WAC 356-30-280 Probationary period—Transfer, intra-agency appointment to higher class. (1) An employee shall not be transferred during the probationary period except as provided in subsection (3) below. An employee may be promoted after serving six months in a probationary period and shall begin a trial service period upon promotion.

(2) When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.

(3) An employee in a probationary period may be transferred in lieu of reduction in force or for training purposes related to the probationary period and will continue to serve out the probationary period.

[Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-280, filed 9/22/82; 82-03-030 (Order 165), § 356-30-280, filed 1/18/82; Order 36, § 356-30-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-250.]

WAC 356-30-285 Probationary period or trial service period—Appointment to higher position in Washington management service. An employee who is appointed to a higher Washington management service position from a Washington general service position while serving a probationary or trial service period in the same or similar occupational field will serve the trial service or probationary period concurrently with the review period. The employee will

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attain permanent status in the previous job classification once the original probationary or trial service period elapses.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 94-04-011, § 356-30-285, filed 1/21/94, effective 3/1/94.]

WAC 356-30-290 Reassignment. A probationary employee may be assigned to another position in the same class or may accept a temporary appointment to a higher class in the same class series if both positions are in the same work unit and the agency shall notify the director of personnel of the change.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-290, filed 9/23/91, effective 11/1/91. Statutory Authority: RCW 41.06.150(17). 82-03-030 (Order 165), § 356-30-290, filed 1/18/82; Order 36, § 356-30-290, filed 7/1/71, effective 8/1/71.]

WAC 356-30-300 Performance evaluation—Requirements—Monitoring. (1) Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(2) The annual evaluation will be conducted during the sixty-day period following the employee's anniversary date, except an agency can establish, on a consistent basis, a due date which better accommodates the agency's particular needs. The evaluation will cover the period ending with the established due date.

(3) Agencies will utilize the standardized employee performance evaluation procedures and forms prescribed by the director of personnel. The procedures shall include provisions whereby individual agencies may, with the approval of the director of personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) Each supervisor's annual evaluation shall include an assessment of his or her efforts toward achieving the objectives of the agency's affirmative action program, and responding to workforce diversity issues.

(5) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its subunits.

(d) Include provisions for the counseling and the development of employees.

(6) Each employee whose work is judged unsatisfactory shall be notified in writing of the areas in which the work is considered deficient. Unless the deficiency is extreme, the employee shall be given an opportunity to demonstrate improvement.

(7) Allowing probationary employees to gain permanent status or trial service employees to gain permanent status in the class to which they have been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-037 (Order 391), § 356-30-300, filed 9/23/91, effective 11/1/91; 89-23-070, § 356-30-300, filed 11/15/89, effective 1/1/90. Statutory Authority: RCW 41.06.150.

87-02-038 (Order 267), § 356-30-300, filed 1/2/87; 85-19-078 (Order 230), § 356-30-300, filed 9/18/85. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-300, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-18-031 (Order 191), § 356-30-300, filed 8/31/83. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-300, filed 9/22/82; 78-12-026 (Order 126), § 356-30-300, filed 11/15/78; Order 36, § 356-30-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-191.]

WAC 356-30-305 Trial service period—Provision.

(1) Permanent employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the intersystem employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay or shared leave shall have their trial service period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of thirty in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed thirty calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

[Statutory Authority: RCW 41.06.150. 02-15-053, § 356-30-305, filed 7/11/02, effective 9/1/02; 01-23-014, § 356-30-305, filed 11/8/01, effective 1/1/02; 99-01-052, § 356-30-305, filed 12/10/98, effective 1/11/99. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-20-029 (Order 383), § 356-30-305, filed 9/23/91, effective 11/1/91; 91-07-055 (Order 371), § 356-30-305, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 88-06-001 (Order 295), § 356-30-305, filed 2/19/88, effective 4/1/88; 84-11-

091 (Order 204), § 356-30-305, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17), 82-19-092 (Order 175), § 356-30-305, filed 9/22/82.]

WAC 356-30-310 Trial service—Counseling—Training. (1) During the trial service period, supervisor shall counsel the trial service employees to inform them of their work performance. The counseling will inform the employees of their strengths, weaknesses, and methods of improvement. In addition, it shall include a signed acknowledgment by the employee of the supervisory evaluation.

(2) The director shall make the training services of the department of personnel available to all agencies requesting aid in developing a training program for trial service personnel.

[Order 36, § 356-30-310, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-270.]

WAC 356-30-315 Reversion from Washington management service. Permanent Washington general service employees who are appointed to a Washington management service position and who do not successfully complete the review period will retain the following rights.

(1) Within the first six months of any review period, an employee may voluntarily revert to the position, if vacant and funded, held prior to the employee's first Washington management service appointment or to a similar funded vacant position at the same salary range. If no funded vacancies are available, the employee may request to be placed on the reversion registers for the Washington general service class in which the employee held status prior to the first Washington management service appointment.

(2) Reversion of employees appointed from the Washington general service will be carried out as provided in WAC 356-30-320.

(a) A permanent employee who is appointed from the Washington general service to a Washington management service position within the same agency, will retain reversion rights to the class in which the employee held permanent status prior to the appointment.

(b) A permanent employee who is appointed from the Washington general service to a Washington management service position in another agency and is reverted retains the right to a funded vacant position in the hiring agency for which the employee is qualified, and that is comparable to the employee's position and salary prior to the appointment to the Washington management service. If no funded vacant position is available, the employee is separated and may request to be placed on the reversion register as provided in WAC 356-26-030 (3) and (6) and 356-30-320.

(3) Nothing in this reversion section shall preclude agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the Washington management service or within the Washington general service if permitted by these rules.

(4) Employees may not appeal reversion or separation from a Washington management service review period.

[Statutory Authority: RCW 41.06.150, 96-02-073, § 356-30-315, filed 1/3/96, effective 2/3/96. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150, 94-04-011, § 356-30-315, filed 1/21/94, effective 3/1/94.]

(2005 Ed.)

WAC 356-30-320 Trial service—Reversion—Status.

(1) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register within the same agency and fail to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) Permanent Washington management employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register within the same agency and fail to satisfactorily complete the trial service period shall automatically revert to a position in the former Washington management service band for which the employee has the required job skills, and that is at the same salary standard and/or same evaluation points.

(3) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register into another agency and who fail to satisfactorily complete the trial service period shall be given fifteen calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for their former class. If an employee waives consideration three times for a position in the class for which the register was established, the employee's name will be removed from the reversion register. The employee may then request his/her name be placed on the reemployment register.

(4) Permanent Washington management service employees who were appointed from a voluntary demotion register to a class not previously held or from of promotional register into another agency and who fail to satisfactorily complete the trial service period shall be given fifteen calendar days' written notice and may request placement in the reduction in force transition pool for positions in which they qualify.

(5) Employees who are reverted do not have the right of appeal.

(6) Former permanent employees who have promoted, demoted, or transferred to a position at a higher education institution in accordance with provisions of Title 251 WAC and fail to complete the trial service period may request their names be placed on the dual-agency reversion register and service-wide reversion register for the former class.

(7) Former permanent Washington management service employees who have moved to a classified position at a higher education institution in accordance with provisions of Title 251 WAC and fail to complete the trial service period may request their names be placed in the reduction in force transition pool.

(8) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Employees reverted during this period may request their names be placed on the register from which they came.

(9) Employees who voluntarily revert to their former class may request the director of personnel to reactivate their promotional score for the class from which reverted. Employees involuntarily reverted to a former class shall have all examination grades nullified for the class from which they are reverted.

(10) Washington management service employees who promote into Washington general service then voluntarily revert from their trial service period back to a Washington management service position, or request placement in the

reduction in force transition pool, may request the director of personnel to reactivate their promotional score for the Washington general service class from which they reverted. Employees involuntarily reverted shall have all examination grades nullified for the class from which they are reverted.

[Statutory Authority: RCW 41.06.150. 01-07-055, § 356-30-320, filed 3/19/01, effective 5/1/01; 98-19-034, § 356-30-320, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-13-042 and 91-21-080 (Orders 376 and 376A), § 356-30-320, filed 6/14/91 and 10/18/91, effective 8/1/91 and 11/18/91; 90-05-028 (Order 339), § 356-30-320, filed 2/13/90, effective 4/1/90. Statutory Authority: RCW 41.06.150. 84-11-091 (Order 204), § 356-30-320, filed 5/23/84, effective 9/1/84. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-30-320, filed 9/16/80; Order 43, § 356-30-320, filed 3/17/72; Order 36, § 356-30-320, filed 7/1/71, effective 8/1/71. Formerly WAC 356-20-260.]

WAC 356-30-330 Reduction in force—Reasons, regulations—Procedure. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(2) When employees have statutory and merit system rule rights to return to the classified service, such employees first shall be returned to the classification selected. If such return causes the total number of employees to exceed the number of positions to be filled in the classification, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and

(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(4) The agency shall submit the procedure to the director of personnel for approval.

(5) Vacancies will not be filled either by local list procedures or on a temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(6) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(7) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(8) Options to positions which are covered by WAC 356-30-012 or WAC 67-16-040 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force, have authorized a background check as provided for in WAC 356-30-012 or WAC 67-16-040 and are not disqualified for the available option as a result of the background check.

[Statutory Authority: RCW 41.06.150. 04-11-046, § 356-30-330, filed 5/13/04, effective 7/1/04; 01-19-032, § 356-30-330, filed 9/13/01, effective 10/14/01; 96-02-073, § 356-30-330, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-026 and 92-22-042 (Orders 411 and 411A), § 356-30-330, filed 9/28/92 and 10/27/92, effective 11/1/92 and 11/27/92; 91-23-106 (Order 394), § 356-30-330, filed 11/20/91, effective 12/21/91. Statutory Authority: RCW 41.06.150. 88-18-096 (Order 308), § 356-30-330, filed 9/7/88, effective 11/1/88; 87-06-024 (Order 271), § 356-30-330, filed 2/24/87; 85-19-080 (Order 232), § 356-30-330, filed 9/18/85; 85-09-030 (Order 221), § 356-30-330, filed 4/12/85. Statutory Authority: RCW 41.06.150, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-30-330, filed 8/10/84. Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-30-330, filed 11/28/83; 83-13-091 (Order 186), § 356-30-330, filed 6/17/83; 83-08-010 (Order 181), § 356-30-330, filed 3/25/83; 83-01-115 (Order 179), § 356-30-330, filed 12/22/82. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-30-330, filed 9/22/82; 81-20-060 (Order 161), § 356-30-330, filed 10/5/81; Order 112, § 356-30-330, filed 11/7/77; Order 63, § 356-30-330, filed 2/26/74; Order 58, § 356-30-330, filed 9/10/73; Order 36, § 356-30-330, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-400.]

WAC 356-30-331 Reduction in force—Transition pool program. The department of personnel is responsible for administering the reduction in force transition pool program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) To administer the program, the director or designee may waive provisions of Title 356 WAC that:

(a) Require employees seeking transfer and voluntary demotion in lieu of reduction in force to meet approved minimum qualifications;

(b) Authorize only the director to waive minimum qualifications; and

(c) Allow qualifying examinations for transfers or voluntary demotions.

(2) The program applies to:

(a) All permanent employees separated by reduction in force or notified by the agency personnel representative that they are at risk of reduction in force; and

(b) Return to work employees in those agencies that are participating in the return to work initiative program.

(c) Permanent Washington management service employees who were appointed from a voluntary demotion register to a Washington general service class not previously held or from a promotional register into another agency and who are either voluntarily or involuntarily reverted during their trial service period.

(3) Agencies, including those agencies with local list authority, shall adhere to the operating procedures established by the director.

(4) Employees participating in the reduction in force transition pool program shall have no right of appeal within this program.

[Statutory Authority: RCW 41.06.150. 02-07-050, § 356-30-331, filed 3/14/02, effective 5/1/02; 01-11-113, § 356-30-331, filed 5/22/01, effective 7/1/01; 01-07-055, § 356-30-331, filed 3/19/01, effective 5/1/01; 00-11-122, § 356-30-331, filed 5/22/00, effective 7/1/00. Statutory Authority: Chapter

41.06 RCW and RCW 41.06.150. 93-16-022, § 356-30-331, filed 7/23/93, effective 8/23/93.]

WAC 356-30-335 Reduction in force—Voluntary leave without pay—Return—Procedures. (1) Upon written agreement between an employee and the employing agency, an employee may voluntarily take leave without pay or reduced hours to reduce the effect of an agency reduction in force.

(2) An employee on leave without pay or reduced hours under the provisions of this rule may, after giving the employing agency 15 days written notice, return to the former full- or part-time work status.

(3) The employing agency may, upon giving an employee on leave without pay or reduced hours under the provisions of this rule 15 days written notice, return the employee to the former full- or part-time work status.

[Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-30-335, filed 4/12/82.]

Chapter 356-34 WAC

DISCIPLINARY ACTIONS—APPEALS

WAC

356-34-010	Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.
356-34-011	Appointing authority—Delegation of.
356-34-012	Dismissal—Failure to comply with a union shop requirement.
356-34-020	Reduction in salary—Demotion—Procedure.
356-34-030	Suspension—Duration—Procedure.
356-34-040	Dismissal—Notification.
356-34-045	Notice to employee.
356-34-050	Suspension—Followed by dismissal.
356-34-060	Unauthorized absence—Presumption of abandonment—Procedure.
356-34-070	Demotion—Suspension—Reduction—Dismissal—Withdrawal of charges by appointing authority—Time limitation.
356-34-080	Appeals from disciplinary actions, presumed abandonment, violations of law or rules—Filing period.
356-34-090	Protests—Requirements for applicants, examinees, and eligibles.
356-34-100	Agency hearings—General provisions.
356-34-260	Appeals—Correction of rating.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-34-085	Appeals—Notice of hearing—Hearings officers recommended decisions—Board hearings and decisions. [Order 89, § 356-34-085, filed 6/30/76, effective 7/31/76.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.
356-34-103	Appeals—Hearings examiners. [Order 59, § 356-34-103, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-104	Appeals—Hearings examiners—Authority. [Order 59, § 356-34-104, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-105	Appeals—Hearings examiners—Decisions. [Order 59, § 356-34-105, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.
356-34-10501	Hearings officers. [Order 89, § 356-34-105 (codified as WAC 356-34-10501), filed 6/30/76, effective 7/31/76.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.

356-34-106

Appeals—Hearings examiners—Review of recommended decisions. [Order 59, § 356-34-106, filed 10/17/73.] Repealed by Order 80, filed 7/16/75, effective 8/16/75. The repeal of this section by Order 80 was enjoined by the superior court of Thurston County in Cause No. 49073.

356-34-110

Personnel board hearings—Procedure—Record. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-110, filed 3/26/86, effective 5/1/86; Order 89, § 356-34-110, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-060, 356-28-110.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-113

Prehearing procedures—Exhibits and possible stipulations—Witnesses. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-113, filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-113, filed 9/22/82; Order 89, § 356-34-113, filed 6/30/76, effective 7/31/76; Order 61, § 356-34-113, filed 1/15/74.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-115

Statement of position—Hearings. [Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-115, filed 9/22/82.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-117

Scheduling of hearings—Time allotted. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-117, filed 10/26/82.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-118

Hearings—Continuances. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-118, filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-118, filed 10/26/82.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-119

Argument—Time limitation—Hearings. [Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-34-119, filed 10/26/82.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-120

Appearance and practice before the board. [Order 89, § 356-34-120, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-070.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.

356-34-130

Appearance by former officer or employee of the board. [Order 36, § 356-34-130, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-090.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-140

Ethical conduct before the personnel board. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-140, filed 3/26/86, effective 5/1/86; Order 89, § 356-34-140, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-140, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-080.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-150

Computation of time. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-150, filed 3/26/86, effective 5/1/86; Order 36, § 356-34-150, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-100.] Repealed by 88-11-037 (Order 298), filed 5/13/88, effective 7/1/88. Statutory Authority: RCW 41.06.150.

356-34-160

Service of process. [Statutory Authority: RCW 41.06.150. 88-21-064 (Order 310), § 356-34-160, filed 10/17/88, effective 12/1/88; 86-08-035 (Order 244), § 356-34-160, filed 3/26/86, effective 5/1/86; Order 36, § 356-34-160, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-120, 356-28-130, 356-28-140, 356-28-150.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.

356-34-170

Filing of papers—Computation of time. [Statutory Authority: RCW 41.06.150. 88-11-037 (Order 298), § 356-34-170, filed 5/13/88, effective 7/1/88. Statutory

- Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-34-170, filed 9/26/78; Order 36, § 356-34-170, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-160.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-180 Subpoenas—Content—Service. [Order 36, § 356-34-180, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-170, 356-28-180, 356-28-190.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-190 Witness fees. [Order 36, § 356-34-190, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-200.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-200 Proof of subpoena service. [Order 36, § 356-34-200, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-210.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-210 Quashing. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-210, filed 3/26/86, effective 5/1/86; Order 89, § 356-34-210, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-210, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-220.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-220 Orders for discovery. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-220, filed 3/26/86, effective 5/1/86; Order 89, § 356-34-220, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-230 through 356-28-420.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-230 Proof of charges. [Statutory Authority: RCW 41.06.150. 86-08-035 (Order 244), § 356-34-230, filed 3/26/86, effective 5/1/86; Order 89, § 356-34-230, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-230, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-430.] Repealed by 90-10-018 (Order 344), filed 4/23/90, effective 5/24/90. Statutory Authority: RCW 41.06.040 and 41.06.150.
- 356-34-240 Appeals—Recording of findings. [Order 36, § 356-34-240, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-440.] Repealed by Order 89, filed 6/30/76, effective 7/31/76.
- 356-34-250 Appeals—Restoration of rights and benefits. [Order 36, § 356-34-250, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-030, 356-28-450.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.
- 356-34-270 Appeals—To superior court—Filing period and reasons. [Order 36, § 356-34-270, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-470.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.
- 356-34-280 Filing of court appeals. [Order 36, § 356-34-280, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-480.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.
- 356-34-290 Appeals—Transcript preparation and cost for court hearings. [Order 36, § 356-34-290, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-490.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.
- 356-34-300 Appeals—Court hearing—Consideration of record. [Order 36, § 356-34-300, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-500.] Repealed by 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86. Statutory Authority: RCW 41.06.150.

WAC 356-34-010 Disciplinary actions—Causes for demotion—Suspension—Reduction in salary—Dismissal.

(1) Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent employee under their jurisdiction for any of the following causes:

- (a) Neglect of duty.
- (b) Inefficiency.

(2005 Ed.)

- (c) Incompetence.
 - (d) Insubordination.
 - (e) Indolence.
 - (f) Conviction of a crime involving moral turpitude.
 - (g) Malfeasance.
 - (h) Gross misconduct.
 - (i) Willful violation of the published employing agency or department of personnel rules or regulations.
- (2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to warrant dismissal.

(3) Appointing authorities shall remove from supervisory positions those supervisors who, in violation of subsection (2) of this section, have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

(4) In addition to the causes listed in (1)(a)-(i) above, appointing authorities may dismiss or demote employees in in-training positions under the following circumstances:

(a) Appointing authorities may dismiss a permanent employee who fails to complete in-training program requirements necessary for advancement in an in-training series and who was hired directly into the in-training series without having held permanent status in another job class.

(b) Appointing authorities may demote a permanent employee who fails to complete in-training program requirements necessary for advancement in an in-training series and who promoted or transferred into the in-training series. If no vacant positions outside the in-training series are available, the employee will be placed on the reversion register for the class in which he/she held permanent status prior to promoting or transferring into the in-training series.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 91-02-030 (Order 366), § 356-34-010, filed 12/24/90, effective 2/1/91. Statutory Authority: RCW 41.06.150. 85-19-078 (Order 230), § 356-34-010, filed 9/18/85; Order 36, § 356-34-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-330.]

WAC 356-34-011 Appointing authority—Delegation of. A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

[Statutory Authority: RCW 41.06.150(17). 82-19-092 (Order 175), § 356-34-011, filed 9/22/82.]

WAC 356-34-012 Dismissal—Failure to comply with a union shop requirement. An appointing authority must give written notice of dismissal to any employee who fails to meet the union shop membership or union shop fee requirement as provided in WAC 356-42-043.

[Order 89, § 356-34-012, filed 6/30/76, effective 7/31/76; Order 57, § 356-34-012, filed 7/31/73.]

WAC 356-34-020 Reduction in salary—Demotion—Procedure. Appointing authorities may reduce the salary of

a permanent employee within the range or may demote an employee to a position at a lesser pay range, in lieu of dismissal for cause, as specified in these rules. The specified charges for either of these actions shall be furnished in writing to the employee at least 15 calendar days prior to the effective date of the action. The employee must meet the minimum qualifications for the class to which being demoted.

[Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-020, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-020, filed 6/17/83; Order 89, § 356-34-020, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-340.]

WAC 356-34-030 Suspension—Duration—Procedure. Appointing authorities may suspend a permanent employee without pay for cause as specified in these rules.

The period of suspension for employees shall not exceed fifteen calendar days for a single penalty or a total of thirty calendar days in any calendar year as a result of several penalties per RCW 41.06.170. The specified charges and duration of the action shall be furnished in writing to the employee not later than one calendar day after the suspension becomes effective. Notice to the employee shall be made in the manner described in WAC 356-34-045. No qualifying time or seniority shall be denied for any period of suspension.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-03-090, § 356-34-030, filed 1/18/95, effective 3/1/95. Statutory Authority: RCW 41.06.040 and 41.06.150. 92-20-025 (Order 410), § 356-34-030, filed 9/28/92, effective 11/1/92; 90-01-111 (Order 330), § 356-34-030, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-030, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-030, filed 6/17/83; Order 89, § 356-34-030, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-350.]

WAC 356-34-040 Dismissal—Notification. Appointing authorities may dismiss a permanent employee for cause as specified in these rules. The employee shall be furnished with the specified charges in writing at least fifteen calendar days prior to the effective date of the action.

[Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-040, filed 1/19/88, effective 3/1/88; 83-13-091 (Order 186), § 356-34-040, filed 6/17/83; Order 102, § 356-34-040, filed 5/13/77; Emergency Order 101, § 356-34-040, filed 3/30/77; Order 36, § 356-34-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-360.]

WAC 356-34-045 Notice to employee. The written notice to the employee required in WAC 356-34-020, 356-34-030, 356-34-040, and 356-34-050 shall be furnished directly to the employee during employee's working hours. If this is not possible because the employee works in a branch office or remote location or is absent on the employee's regularly scheduled work day, a certified letter may be mailed to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If a certified letter is mailed, the notice shall be considered received the same day as it is postmarked.

[Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-045, filed 1/19/88, effective 3/1/88.]

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WAC 356-34-050 Suspension—Followed by dismissal. (1) A permanent employee who is to be dismissed for cause may be suspended without pay for the period between the notice to dismiss and the effective date of the dismissal if the appointing authority believes the good of the service requires the immediate separation of the employee.

(2) The appointing authority, when applying an immediate suspension followed by dismissal, shall notify the employee in writing of such combined actions, as provided in WAC 356-34-030, 356-34-040, and 356-34-045. The notification shall state the justification for immediate removal from staff in addition to the specified causes for dismissal.

[Statutory Authority: RCW 41.06.150. 88-03-043 (Order 292), § 356-34-050, filed 1/19/88, effective 3/1/88; Order 87, § 356-34-050, filed 5/4/76, effective 6/5/76; Order 36, § 356-34-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-370.]

WAC 356-34-060 Unauthorized absence—Presumption of abandonment—Procedure. An employee who is absent from a position for three consecutive working days without notice to the appointing authority may be presumed to have abandoned the position. Notice of dismissal upon the grounds of abandonment of position shall be sent by certified mail to the last known address of the employee within seven calendar days after the three consecutive days of absence. The dismissal may be made effective one day after mailing of the notice.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 92-08-009 (Order 402), § 356-34-060, filed 3/20/92, effective 5/1/92. Statutory Authority: RCW 41.06.150. 83-13-091 (Order 186), § 356-34-060, filed 6/17/83; Order 36, § 356-34-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-380.]

WAC 356-34-070 Demotion—Suspension—Reduction—Dismissal—Withdrawal of charges by appointing authority—Time limitation. Appointing authorities may, within the limitations and in accordance with the provisions of these rules, withdraw or modify any of the above actions prior to an appeal hearing.

[Order 36, § 356-34-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-24-390.]

WAC 356-34-080 Appeals from disciplinary actions, presumed abandonment, violations of law or rules—Filing period. (1) Any permanent employee who is demoted, suspended, reduced, dismissed, or presumed to have abandoned his/her position may appeal such action to the personnel appeals board as provided in Title 358 WAC.

(2) Any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or of the merit system rules (Title 356 WAC) may appeal such violation to the personnel appeals board as provided in Title 358 WAC.

[Statutory Authority: RCW 41.06.150(17). 81-23-031 (Order 163), § 356-34-080, filed 11/16/81; Order 89, § 356-34-080, filed 6/30/76, effective 7/31/76; Order 36, § 356-34-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-010, 356-28-040, 356-28-050.]

WAC 356-34-090 Protests—Requirements for applicants, examinees, and eligibles. (1) An applicant whose application has been rejected; an examinee who feels that the examination is unfair, or not applied uniformly, or that the

score is in error or not uniformly derived; an eligible whose name has been removed from the register and/or certification; or an applicant who is not appointed following a background check and review conducted pursuant to WAC 356-30-012 may request a review by the director of personnel or designee. The request must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the application rejection, examination score, removal from a register and/or certification, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the board to review the determination of the director of personnel or designee. The request for a board hearing must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the director's or designee's determination. A hearing before the board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The board will issue a written decision which will be final.

[Statutory Authority: RCW 41.06.150. 01-19-032, § 356-34-090, filed 9/13/01, effective 10/14/01; 98-19-034, § 356-34-090, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 93-02-040 (Order 414), § 356-34-090, filed 1/5/93, effective 2/1/93. Statutory Authority: RCW 41.06.150. 87-13-040 (Order 278), § 356-34-090, filed 6/15/87, effective 8/1/87; 87-06-024 (Order 271), § 356-34-090, filed 2/24/87; 86-08-035 (Order 244), § 356-34-090, filed 3/26/86, effective 5/1/86; Order 87, § 356-34-090, filed 5/4/76, effective 6/5/76; Order 81, § 356-34-090, filed 8/21/75, effective 9/21/75; Permanent and Emergency Order 50, § 356-34-090, filed 10/19/72; Order 36, § 356-34-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-020.]

WAC 356-34-100 Agency hearings—General provisions. (1) Agencies and appointing authorities may conduct and take testimony concerning any actions for cause prior to demotion, suspension, reduction, dismissal, and abandonment; or during suspension or advance notice of such actions.

(2) No hearing shall be used to delay a person from appealing.

(3) Any employee with the right to appeal may request an agency to conduct a hearing concerning actions for cause prior to the effective date, or up to 30 calendar days after the effective date, provided the appeal has not been heard by the personnel appeals board. The appointing authority shall notify the director in writing of agency hearing dates if the agency grants the request for a hearing.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-34-100, filed 9/10/98, effective 10/12/98; Order 36, § 356-34-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-090, 356-32-100, 356-32-110, 356-32-120.]

WAC 356-34-260 Appeals—Correction of rating. A correction of a rating shall not affect a certification or (2005 Ed.)

appointment which has already been made from the register. The decision of the board in these matters shall be final.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-34-260, filed 9/10/98, effective 10/12/98; 86-08-035 (Order 244), § 356-34-260, filed 3/26/86, effective 5/1/86; Order 36, § 356-34-260, filed 7/1/71, effective 8/1/71. Formerly WAC 356-28-460.]

Chapter 356-35 WAC

DISABILITY—SEPARATION—APPEALS—PROCEDURES

WAC

356-35-010

Disability—Reasonable accommodation—Separation—Appeals.

WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals. (1) An appointing authority may initiate a disability separation of a permanent employee only when reasonable accommodations cannot be provided. When the employee requests a disability separation, the appointing authority is not required to consider reasonable accommodations.

(2) If the disability prevents performance of an essential function of the current job, and there is no appropriate work available while trying to reasonably accommodate the employee, the employee shall be allowed to use accrued vacation, sick, shared leave, exchange, and/or compensatory time. If there is no paid leave available or if the employee chooses not to use paid leave, the employee shall be placed on authorized leave without pay.

(3) When reasonable accommodations cannot be provided, the employee may be separated by the appointing authority after written notice of, whichever is greater,

(a) Sixty calendar days; or,

(b) The number of consecutive work days for which only accrued sick and vacation leave, as defined in WAC 356-18-050 and 356-18-090, could be used.

If the employee is unable to work due to the disability during the notice period and there is no paid leave available, the absence shall be considered approved leave without pay.

The sixty calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

(4) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a written statement from a physician or a licensed mental health professional. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician or a licensed mental health professional of the agency's choice. In such cases, the agency shall provide the physician or licensed mental health professional with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician or licensed mental health professional regarding the employee's ability to perform the specified duties.

(5) Agency initiated separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board. At the time of notification that their employment will be terminated because of disability, such employees shall be informed by the appointing

authority of their right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within thirty calendar days after notice of separation is given.

(6) During the notice period required by subsection (3) of this section the agency shall inform employees being separated due to disability that they may be eligible for benefits/assistance programs such as employees' insurance plans, Social Security, worker's compensation, veteran's benefits, public assistance, disability retirement, and vocational rehabilitation.

(7) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a statement from a physician or licensed mental health professional that they are able to perform the duties of the class(es) for which the registers are established.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 93-14-067 (Order 422), § 356-35-010, filed 6/30/93, effective 8/1/93. Statutory Authority: RCW 41.06.150. 87-02-038 (Order 267), § 356-35-010, filed 1/2/87; 85-14-008 (Order 224), § 356-35-010, filed 6/24/85; 84-23-059 (Order 211), § 356-35-010, filed 11/20/84; 83-24-002 (Order 193), § 356-35-010, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 82-09-022 (Order 169), § 356-35-010, filed 4/12/82; 81-20-060 (Order 161), § 356-35-010, filed 10/5/81; Order 58, § 356-35-010, filed 9/10/73.]

Chapter 356-37 WAC

HEARINGS—GENERAL PROCEDURES

WAC

356-37-010	Board hearings—Procedure—Record.
356-37-020	Prehearing procedures—Exhibits.
356-37-030	Filing of prehearing statements.
356-37-040	Scheduling of hearings.
356-37-050	Hearings—Motion for continuance—Procedure.
356-37-060	Appearance by former officer or employee of the board.
356-37-070	Ethical conduct before the board.
356-37-080	Service of process.
356-37-090	Computation of time.
356-37-100	Subpoenas—Issuance—Content—Service.
356-37-110	Witness fees.
356-37-120	Proof of subpoena service.
356-37-130	Quashing.
356-37-140	Orders for discovery.
356-37-150	Proof of charges.
356-37-160	Prehearing conference.
356-37-170	Withdrawals—Default at hearings.

WAC 356-37-010 Board hearings—Procedure—Record. (1) Hearings before the board shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the appellant so requests. Hearings shall be informal with technical rules of evidence not applying to the proceedings, except for the rules of privilege recognized by law.

(2) Hearings may be conducted by only two members of the board, provided that if the two members cannot agree on a decision, a second hearing may be held in the presence of all three members of the board or the third member may review the record and participate in the decision.

(3) All parties may present and cross-examine witnesses, and give evidence before the board.

(4) The board may, and shall at the request of either party, issue subpoenas duces tecum. All testimony shall be on oath administered by a member of the board.

(5) The board shall keep an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-010, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-010, filed 3/20/90, effective 5/1/90.]

WAC 356-37-020 Prehearing procedures—Exhibits.

(1) At any hearing before the board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies: One each for the opposing parties, for the board members, for the court reporter, if any, and for the board's official file.

(2) The parties shall arrive at the hearing location at least thirty minutes before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. The parties shall pre-mark their exhibits for identification and present copies to other parties and the board's staff prior to commencement of the hearing.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-020, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-020, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-020, filed 3/20/90, effective 5/1/90.]

WAC 356-37-030 Filing of prehearing statements. (1)

Parties are encouraged to file prehearing statements of position with the board. The board may request all parties to submit a prehearing statement. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition. Such documents shall be provided to the board and to the opposing party no later than fourteen calendar days prior to the scheduled hearing date. Any response by the opposing party shall be served no later than seven calendar days prior to the scheduled hearing date or at such time as set at the prehearing conference.

(2) A party submitting prehearing statement(s) shall provide the original and three copies to the board, and one copy to the opposing party.

(3) The board will determine whether to consider documents that are filed at the time of the hearing.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-030, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-030, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-030, filed 3/20/90, effective 5/1/90.]

WAC 356-37-040 Scheduling of hearings. Prior to scheduling the hearing, the hearings coordinator will give the parties an opportunity to indicate preferred dates and amount of time allotted for the hearing. The hearings coordinator shall schedule all hearings before the board with written notice, specifying the time, place, and length of the hearing. Notice of hearing shall be mailed not less than thirty calendar days prior to the date of the hearing, unless all parties agree to a shorter notice period. Primary and/or secondary hearings may be scheduled.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-040, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-040, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-040, filed 3/20/90, effective 5/1/90.]

WAC 356-37-050 Hearings—Motion for continuance—Procedure. (1) Any party to a hearing may make a written motion(s) to the board to continue a hearing by showing good cause. The motion(s) shall state the specific reason(s) and the period of time for which a continuance is necessary.

(2) Any party desiring a continuance shall first contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party will immediately notify, in writing, the board of the request, the reason(s) for the request, and the opposing party's response to the request.

(3) The party requesting the continuance shall submit the motion in writing. The motion shall be filed with the board and the opposing party at least fourteen calendar days prior to the scheduled hearing date. The board or its designee shall review the motion, make a decision whether or not to grant the continuance, and notify the parties of the decision within three working days of receipt of the motion.

(4) In unusual circumstances, and only where the reason(s) for the continuance could not have been foreseen, a motion for continuance may be made when the party seeking the continuance becomes aware of the facts upon which the request for continuance is based. The following will apply:

(a) The requesting party shall notify the other party of the desire for a continuance and obtain the other party's response.

(b) The requesting party shall notify the board or board's hearings coordinator in writing of the request, the reason(s) for the request, and the opposing party's response to the request.

(c) The board or its designee shall review the request, make a decision whether or not to grant the continuance, and notify the parties of the decision as soon as possible.

(5) The opposing party may submit a written statement in opposition or support of the motion for continuance to the board and other parties upon receipt of the motion.

[Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-050, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-050, filed 3/20/90, effective 5/1/90.]

WAC 356-37-060 Appearance by former officer or employee of the board. No person who has served as an officer or employee of the board shall, within a period of two years after the termination of such service or employment, appear before the board or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-060, filed 3/20/90, effective 5/1/90.]

WAC 356-37-070 Ethical conduct before the board. All persons appearing in proceedings before the board in a

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representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to these standards, the board may decline to permit such person to appear in a representative capacity.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-070, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-070, filed 3/20/90, effective 5/1/90.]

WAC 356-37-080 Service of process. (1) The board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be made either personally or by first class, certified mail, or by electronic telefacsimile transmission and same-day mailing of copies. Correspondence between the board and state agencies or institutions may be sent via the state mail service.

(3) Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail upon deposit, properly stamped and addressed. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission.

(4) When actual receipt is specified by rule, service upon the board shall be regarded as complete when the papers are actually received in the office of the director of personnel. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission. Filing at the department of personnel is only available between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding designated holidays. When actual receipt is not specified by rule, service by mail is complete when postmarked.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-080, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-08-024, § 356-37-080, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-080, filed 3/20/90, effective 5/1/90.]

WAC 356-37-090 Computation of time. Periods of notice or periods of time within which acts are to be completed, as prescribed or allowed by these rules or by order of the board, shall be computed by excluding the first and including the last day unless specifically provided in these rules to the contrary. If the last day is a Saturday, Sunday or holiday, the act must be completed on the next business day, unless a period of notice is being computed and such Saturday, Sunday or holiday is a regularly scheduled workday for the employee. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

[Statutory Authority: RCW 41.06.150 and chapter 41.06 RCW. 94-08-024, § 356-37-090, filed 3/29/94, effective 5/1/94. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-090, filed 3/20/90, effective 5/1/90.]

WAC 356-37-100 Subpoenas—Issuance—Content—Service. (1) Subpoenas may be issued by any member of the board or its designee, or by the attorney of record of the party to the hearing in whose behalf the witness is required to appear, and shall be subscribed by the signature of the issuing person. Parties desiring subpoenas which are to be signed by the members of the board or its designee shall submit a written request to the board or its designee at least ten calendar days prior to the hearing. The board or designee may allow less than ten calendar days under unusual circumstances.

(2) Every subpoena shall name the board and the title of the proceedings, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his/her control at a specified time and place.

(3) Parties requesting subpoenas shall make arrangements for service. Service of subpoena shall be made by delivering a copy of the subpoena to such person and by paying on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law.

[Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-100, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-100, filed 3/20/90, effective 5/1/90.]

WAC 356-37-110 Witness fees. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. State employees who remain in pay status shall be compensated for travel only.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-110, filed 3/20/90, effective 5/1/90.]

WAC 356-37-120 Proof of subpoena service. The person serving the subpoena shall make proof of service by filing the subpoena and if such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-120, filed 3/20/90, effective 5/1/90.]

WAC 356-37-130 Quashing. Upon motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party who issued the subpoena, the board may:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of the motion upon just and reasonable conditions.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-130, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-130, filed 3/20/90, effective 5/1/90.]

WAC 356-37-140 Orders for discovery. The board may issue orders for discovery by analogy to the superior court rules or the requirements of justice.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-140, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and

41.06.150. 90-07-057 (Order 342), § 356-37-140, filed 3/20/90, effective 5/1/90.]

WAC 356-37-150 Proof of charges. At any hearing before the board, the party seeking relief or filing charges shall have the burden of proof.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-150, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-07-057 (Order 342), § 356-37-150, filed 3/20/90, effective 5/1/90.]

WAC 356-37-160 Prehearing conference. (1) The board or its designee may direct the parties or their representatives to engage in an informal prehearing conference(s) to address the following:

- (a) Statement of issue;
- (b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (c) Discovery, discovery methods and discovery deadlines;
- (d) The number of witnesses expected to be called and their names when possible;
- (e) The approximate time necessary for presentation of the evidence of the respective parties;
- (f) Whether or when motions may be brought;
- (g) Exhibits;
- (h) Affidavits;
- (i) Scheduling the hearing before the board; and
- (j) Such other matters as may aid in the prompt disposition of the petition.

(2) Prehearing conferences may be held by telephone conference call or at a time and place mutually agreed upon by the parties.

(3) The parties are encouraged where possible to resolve their disputes. To facilitate such resolution, the board or its designee may recess the conference at any time to give the parties time to discuss settlement. In the event settlement is reached, the grievant/petitioner or representative shall sign a request to withdraw the petition.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-37-160, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-37-160, filed 3/20/96, effective 5/1/96.]

WAC 356-37-170 Withdrawals—Default at hearings. (1) Withdrawals requested by the grievant/petitioner or representative shall be filed with the board and each opposing party, in writing, no later than seven calendar days prior to the hearing date. Under unusual circumstances, the board may consider the request for withdrawal at a shorter time than the required seven calendar days.

(2) If a party fails to attend or participate in a hearing or other stage of a proceeding, the board may serve upon all parties a default or dismissal order which shall include a statement of the grounds for the order. Within seven calendar days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

[Statutory Authority: RCW 41.06.150. 96-07-093, § 356-37-170, filed 3/20/96, effective 5/1/96.]

Chapter 356-39 WAC**HUMAN RESOURCE DEVELOPMENT****WAC**

356-39-010	Chapter purpose.
356-39-020	Human resource development—Statewide philosophy/definition.
356-39-030	Human resource development—Assignment of responsibilities.
356-39-040	Agency job assignments for developmental purposes.
356-39-050	Agency human resource development planning.
356-39-060	Human resource development planning.
356-39-070	Agency evaluation of human resource development activities.
356-39-080	Review of agencies' human resource development reports.
356-39-090	Required managerial training.
356-39-100	Tuition reimbursement—Agency authority and responsibility.
356-39-110	Tuition reimbursement—Employee eligibility and responsibility.
356-39-120	Education leave without pay—Agency authority and responsibility.
356-39-130	Education leave without pay—Employee eligibility and responsibility.
356-39-140	Provisions for considering training as time worked.

WAC 356-39-010 Chapter purpose. This chapter sets forth the philosophy of the board and the director on elements of human resource development. Further, this chapter establishes regulatory policies on and assigns specific responsibilities for those elements of human resource development to the department of personnel, the agencies and individual employees.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-39-010, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-010, filed 1/19/78.]

WAC 356-39-020 Human resource development—Statewide philosophy/definition. Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the philosophy of the board and the director that a highly productive, motivated workforce be achieved and maintained through a statewide program of human resource development.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-39-020, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-39-020, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-020, filed 1/19/78.]

WAC 356-39-030 Human resource development—Assignment of responsibilities. The responsibility for human resource development is shared by agencies and employees.

- (1) Each agency is responsible for providing:
 - (a) Orientation
 - (b) Agency-required, job-related training
 - (c) Assistance with career planning
- (2) Each employee is responsible for:
 - (a) Personal career planning
 - (b) Maintenance of professional and other licenses
 - (c) Participation in agency-required training
- (3) The department of personnel shall support human resource development by:
 - (a) Consulting with agencies in their human resource development activities, upon request
 - (b) Providing training which is interagency in scope

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(c) Providing guidelines for human resource development planning and evaluation in accordance with WAC 356-39-060 and 356-39-080.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-030, filed 1/19/78.]

WAC 356-39-040 Agency job assignments for developmental purposes. Agencies may make the following planned training assignments for employee development without incurring reallocation or compensation obligations:

- (1) Performance of higher level responsibilities on a time-limited basis.
- (2) Rotational or special project job assignments.
- (3) Transfers or reassignments to different duties and responsibilities within job classification.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-040, filed 1/19/78.]

WAC 356-39-050 Agency human resource development planning. (1) Each agency shall prepare a human resource development plan for a biennial period, with revision as needed. The plan shall be based on an assessment of the human resource development needs within the agency and consideration of the agency's budget.

(2) The plan shall state the agency's policies and objectives for human resource development. The policies shall include at a minimum the following:

- (a) Criteria for employee participation in human resource development activities during work hours
- (b) Criteria for educational leave
- (c) Criteria for tuition reimbursement
- (d) Provisions for considering human resource development needs identified in the agency's performance appraisal process and affirmative action plan

(3) The plan shall identify the resources available to achieve its stated objectives.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-050, filed 1/19/78.]

WAC 356-39-060 Human resource development planning. Each agency shall submit a summary of its biennial human resource development plan to the department of personnel for review.

(1) The department shall provide each agency with an evaluation of its plan. The evaluation shall include recommendations for sharing resources to meet common objectives among the agencies.

(2) Upon agency request, the department shall assist in the preparation of the agency's plan.

(3) The department shall prepare a human resource development plan with objectives and identification of resources to accomplish interagency human resource development activities which have been proposed through agency plans. The department shall distribute its plan to the agencies.

(4) The department shall consider each agency's human resource development activities in preparation of the state's classification plan and in the department's testing process.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-39-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-39-060, filed 9/16/80; 78-02-049 (Order 116), § 356-39-060, filed 1/19/78.]

WAC 356-39-070 Agency evaluation of human resource development activities. Each agency shall develop an evaluation process to determine the effectiveness of its human resource development activities.

(1) This evaluation process shall include an assessment of:

- (a) The effectiveness of the training
- (b) The impact of the training on job performance
- (c) The contribution of the training to achievement of career development goals

(2) The department of personnel shall assist agencies in the development of their evaluation process upon their request.

(3) Each agency shall submit to the department of personnel an annual fiscal year summary of evaluation data on its human resource development activities and costs. Costs to be reported are for direct learning activities and include:

(a) Participants' travel, per diem, registration, and tuition reimbursement fees.

(b) All administrative and operational costs of the training and development unit(s) of the agency including:

- (i) Staff salaries and benefits (prorated, if required)
- (ii) Development costs
- (iii) Audio-visual aids
- (iv) Facility rental
- (v) Other materials.

(c) All costs of training programs, equipment, materials, and consultant fees purchased or leased from a vendor.

[Statutory Authority: RCW 41.06.150(17), 81-01-054 (Order 150), § 356-39-070, filed 12/12/80; 80-13-047 (Order 147), § 356-39-070, filed 9/16/80; 78-02-049 (Order 116), § 356-39-070, filed 1/19/78.]

WAC 356-39-080 Review of agencies' human resource development reports. The department of personnel shall review each agency's annual evaluation as it relates to the agency's human resource development plan.

(1) The department shall summarize the agencies' reports, highlighting innovative techniques that have inter-agency application, and shall submit the summary to the agencies, the board, the governor and the legislature.

(2) The department shall develop an evaluation process to determine the effectiveness of its human resource development activities. In its annual evaluation summary, the department shall include data from this evaluation process.

[Statutory Authority: RCW 41.06.150, 98-19-034, § 356-39-080, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17), 78-02-049 (Order 116), § 356-39-080, filed 1/19/78.]

WAC 356-39-090 Required managerial training. (1)

An agency may require employees in positions with responsibilities which include planning, directing or evaluating the work of other employees to complete managerial training.

(2) Agencies shall require employees appointed to a supervisory or management position after June 12, 1980 to successfully complete an entry-level management training course as approved by the director, department of personnel. Employees shall be enrolled in this training within nine months of the date of their appointment, or if training is not available, as soon thereafter as it becomes available.

The conditions under which an employee shall be required to complete such training are:

(a) The employee is assigned to a position designated by the agency as entry-level supervisory or entry-level managerial; and

(b) The employee has not been a supervisor previously; and

(c) The employee has not successfully completed an approved or equivalent management training course within the past five years.

(3) Entry-level training shall not be required of any employee who has completed a management training course prior to the employee's appointment which is, in the judgment of the director, department of personnel, at least equivalent to the entry-level course. The department of personnel shall establish guidelines prescribing the conditions or criteria by which such training is approved or considered equivalent.

(4) When training opportunities are available, agencies may suspend the entry-level training requirement, for up to a maximum of six months, or for longer periods of time with approval of the department of personnel, in cases where the ability of an agency to perform its responsibilities would be adversely affected by absence of employee from work site.

(5) Agencies may waive the requirement for entry-level training in cases where an employee has occupied a designated supervisory or management position for at least one year, prior to the present appointment, and has demonstrated experience and competence as a substitute for training.

(a) Agencies shall advise in writing affected individual employees of waivers to this training.

(b) Records of such waivers shall be placed in individual employee personnel files and shall be reported administratively to the department of personnel, under procedures outlined in guidelines published by the department of personnel.

(6) Agencies shall designate individual positions, or groups of positions, as being supervisory or management positions. Criteria for such designations shall be contained in guidelines published by the department of personnel.

[Statutory Authority: RCW 41.06.150(17), 80-13-047 (Order 147), § 356-39-090, filed 9/16/80; 78-02-049 (Order 116), § 356-39-090, filed 1/19/78.]

WAC 356-39-100 Tuition reimbursement—Agency authority and responsibility. (1) Agencies may approve for full or partial tuition reimbursement a qualified course conducted by an educational institution, vocational school, or a professional training organization. To qualify, a course must have an objective of furthering an employee's career development plan and/or changing or enhancing the employee's skills, knowledge, attitude, or behavior. The course must be directly related to a function of state government.

(2) Agencies shall reimburse eligible employees who have satisfactorily completed a course which was previously approved for tuition reimbursement. Agencies may prepay employee's tuition or registration fees.

(3) Agency funds expended for tuition reimbursement will be limited to tuition or registration fees, and will not include textbooks, supplies or other school expenses.

(4) Approvals for any one employee should be limited to no more than nine quarter credit hours, or six semester hours, or other equivalent credits during any one academic quarter or semester.

(5) Absent an agreement to the contrary, when an employee moves to another agency prior to completion of an

approved course, the approving agency shall retain the obligation for reimbursement if the course is satisfactorily completed. When payment is not made by the approving agency the gaining agency may, at its option, reimburse the employee.

[Statutory Authority: RCW 41.06.150(17). 82-01-038 (Order 164), § 356-39-100, filed 12/15/81; 78-02-049 (Order 116), § 356-39-100, filed 1/19/78.]

WAC 356-39-110 Tuition reimbursement—Employee eligibility and responsibility. (1) An employee shall be in permanent, or permanent project, status at the time payment is made.

(2) An employee shall not receive federal or state educational reimbursement funds that exceed the total tuition for any course.

(3) An employee shall provide written evidence of satisfactory completion of the course for which payment is made.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-110, filed 1/19/78.]

WAC 356-39-120 Education leave without pay—Agency authority and responsibility. (1) An agency may authorize educational leave without pay for an eligible employee to attend an accredited educational institution in a matriculated status to enhance the employee's career service in state government.

(2) Educational leave without pay will be approved in advance for a specific period of time, not to exceed twenty-four continuous months.

(3) An employee on educational leave without pay will accrue seniority and periodic increments while on educational leave without pay, provided the employee has successfully completed the academic commitment for which the educational leave was granted.

(4) The return to employment will be in accordance with rules regarding reduction in force and all other applicable rules and must be accomplished within thirty days of course completion.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-120, filed 1/19/78.]

WAC 356-39-130 Education leave without pay—Employee eligibility and responsibility. (1) Employees with permanent, or permanent project, status are eligible to be considered for education leave.

(2) Employees granted educational leave are responsible for:

(a) Gaining matriculated status at an accredited educational institution.

(b) Maintaining a satisfactory standing consistent with the approved course of study.

(c) Supplying the agency with documentation of satisfactory progress toward and completion of the agreed upon academic commitment.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-130, filed 1/19/78.]

WAC 356-39-140 Provisions for considering training as time worked. Agencies may require employees to attend training during and/or outside of working hours. However:

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(1) Employee attendance at agency-required training, either during or outside working hours, shall be considered time worked and compensated in accordance with merit system rules.

(2) Employee attendance at training not required by an agency, either on approved leave from or outside of working hours, shall be voluntary and not considered time worked. Agencies need not compensate employees for attendance at training when it is not considered time worked.

(3) Agencies may develop policies which allow employees to attend time-limited human resource development activities without requiring employees to take leave. Such human resource development activities must be directly related to a function of state government.

[Statutory Authority: RCW 41.06.150(17). 78-02-049 (Order 116), § 356-39-140, filed 1/19/78.]

Chapter 356-42 WAC LABOR RELATIONS

WAC

356-42-010	Membership in employee organization.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-42-020	Determination of bargaining unit. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-020, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 96-13-074, § 356-42-020, filed 6/18/96, effective 8/1/96. Statutory Authority: RCW 41.06.150. 88-18-010 (Order 307), § 356-42-020, filed 8/26/88. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-42-020, filed 9/16/80; Order 42, § 356-42-020, filed 1/11/72; Order 36, § 356-42-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-020.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-42-030	Determination of bargaining unit—Of exclusive representative. [Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-030, filed 12/28/88, effective 2/1/89; Order 36, § 356-42-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-030.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-42-040	Decertification of exclusive representative. [Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-040, filed 12/28/88, effective 2/1/89; Order 49, § 356-42-040, filed 8/17/72; Order 36, § 356-42-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-040.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-42-049	Disclaimer of interest—Notice—Automatic termination of exclusive representation. [Statutory Authority: RCW 41.06.150. 88-18-010 (Order 307), § 356-42-049, filed 8/26/88.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-42-060	Unfair labor practices for management. [Order 36, § 356-42-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-051.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
356-42-070	Unfair labor practices for employee organizations. [Order 36, § 356-42-070, filed 7/1/71, effective 8/1/71.

- Formerly WAC 356-32-052.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-080 Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-080, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-080, filed 10/26/82; Order 36, § 356-42-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-053.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-082 Filing unfair labor practice charge. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-082, filed 9/10/98, effective 10/12/98; 88-18-010 (Order 307), § 356-42-082, filed 8/26/88. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-082, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-083 Investigation of and disposition of unfair labor practice charges. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-083, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-083, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-084 Answer to complaint—Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-084, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-084, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-085 Amendment of complaint or answer—Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-085, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-085, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-086 Hearing—Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-086, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-086, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-088 Hearings and investigation—Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-088, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-088, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.
- 356-42-089 Enforcement—Unfair labor practice. [Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-089, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-089, filed 10/26/82.] Repealed by 02-15-048, filed 7/11/02, effective 9/1/02. Statutory Authority: RCW 41.06.150.

WAC 356-42-010 Membership in employee organization. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

(2) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written

opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

[Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-010, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-42-010, filed 9/10/98, effective 10/12/98; 89-02-011 (Order 312), § 356-42-010, filed 12/28/88, effective 2/1/89. Statutory Authority: RCW 41.06.150(17). 80-13-047 (Order 147), § 356-42-010, filed 9/16/80; Order 69, § 356-42-010, filed 9/30/74; Order 36, § 356-42-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-010.]

WAC 356-42-042 Election provisions—General. (1)

To provide that union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party and/or exclusive representative a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. For purposes of an election, the director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a preelection conference which shall include representatives of the appointing authority, and representatives of the employee organization and/or petitioning party. At the preelection conference, determinations will be made on such matters as method of balloting, date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following, the preelection conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) To the extent feasible, as determined by the director or designee, on-site voting shall take place during the employees' regular work schedules. Eligible voters shall be given ample opportunity to vote during work time while the polls are open.

(7) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site. To be counted, absentee ballots must be postmarked

within five calendar days thereafter and must be received by the department of personnel within ten calendar days of the close of the polls.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting or at any place after the close of the polls.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place(s) for his/her own use, provided such use does not interfere with the conduct of the election.

(13) Within five working days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. Such objections must be in writing and must be received by the director within the five working day period. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(14) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

[Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-042, filed 7/11/02, effective 9/1/02; 88-18-010 (Order 307), § 356-42-042, filed 8/26/88.]

WAC 356-42-043 Union shop requirements. (1) Once a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as exclusive representative, all employees included in that unit, shall be required to pay to the employee organization the regular dues of the organization, or pay a representation fee or a nonassociation fee within thirty calendar days following their start of employment or thirty calendar days after an employee organization wins certification as union shop representative, whichever is later. The thirty calendar days starts the first day of the employee's employment within the bargaining unit

which has a certified union shop representative or starts the date of the director's certification of the election results, whichever is later.

(2) Upon certification as a union shop representative, the employee organization shall notify all employees within the bargaining unit of the existence of the union shop requirement and the conditions of employment which arise under that requirement.

(3) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues or representation fees and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights.

(4) Employees who have a bona fide religious objection precluding them from membership in an employee organization, based on religious tenets, or teachings of a church or religious body of which they are members may satisfy the union shop requirement by paying to the union shop representative a nonassociation fee. This fee is an amount equivalent to the regular dues of the union shop representative, minus any monthly premiums for union sponsored insurance programs.

(5) Employees who wish to exercise the right of nonassociation from an employee organization, as provided in subsection (4) of this section, must submit their request to the union shop representative. If the union shop representative rejects the employee's request or fails to respond within ten working days, either the employee or the union shop representative may submit the issue to the director or his designee who shall investigate and confer with the parties in an effort to resolve the dispute. If agreement is not reached, the director shall issue a written decision which shall be final.

(6) Once an employee has qualified to pay the nonassociation fee, the employee may designate that the fee go to that program or programs within the functions of the union shop representative in harmony with the employee's individual conscience.

(7) Employees who qualify for nonassociation shall not be members of the employee organization, but are entitled to the same representation rights as members of the employee organization.

(8) Employees who object to payment for activities of the exclusive representative which are supported by regular dues and which are not related to representation of the employees in the bargaining unit may pay a representation fee in lieu of regular dues in accordance with the procedure adopted by the employee organization. The representation fee is to be calculated by the representative in accordance with applicable constitutional and statutory requirements. See WAC 356-05-461.

(9) Failure of an employee to become a member of the employee organization which is the union shop representative or make payment of the union shop representation fee or the nonassociation fee within thirty calendar days following the employee's start of employment or within thirty calendar days after an employee organization has been certified as union shop representative, whichever is later, shall cause that employee to be dismissed as hereinafter provided.

(10) Employees on leave of absence without pay for an entire calendar month shall not be required to pay dues or union shop representation or nonassociation fees to the union

shop representative during that month. When an employee returns from leave of absence to employment and pay status within the bargaining unit, he shall be considered included in the bargaining unit and required to pay the union dues or union shop representation or nonassociation fee.

(11) Once an employee organization has been certified by the director as a union shop representative, the affected appointing authority shall provide the employee organization with a monthly list of the employees in the bargaining unit.

(12) After written notification by the union shop representative that an employee has not complied with the union shop requirements, the appointing authority shall give written notification to the employee of fifteen calendar days' notice of his or her dismissal for failure to join the union or pay representation or nonassociation fees. The dismissal action shall be rescinded if an employee complies with the union shop requirements within those fifteen calendar days, or presents evidence that the union shop representative has not complied with WAC 356-42-010(3) or the representation fee or nonassociation fee requirements of this section.

(13) The appointing authority shall notify affected employees of existing union shop provisions prior to their hire, promotion, or transfer into a bargaining unit where such provisions are in effect.

[Statutory Authority: RCW 41.06.150. 89-02-011 (Order 312), § 356-42-043, filed 12/28/88, effective 2/1/89; 88-18-010 (Order 307), § 356-42-043, filed 8/26/88; Order 57, § 356-42-043, filed 7/31/73.]

WAC 356-42-045 Union shop elections. (1) An employee organization is eligible to petition for a union shop representation election if the employee organization is certified as exclusive bargaining representative for a bargaining unit.

(2) Upon receipt of a valid petition from the certified exclusive bargaining representative, the director or designee shall order a union shop representation election. If the employee organization does not already have the opinion of counsel required by WAC 356-42-010(3) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(4) A petitioning employee organization will be certified as union shop representative if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(5) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(6) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(7) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee

included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(8) When a new classification of employees is added into an existing bargaining unit which has a union shop provision in place, such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new unit unless fewer than twelve months have elapsed since the last union shop election and:

(a) The same employee organization is the certified union shop representative for each of the units being combined; or

(b) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

(c) A majority of the incumbents in the positions to be added have signed a petition indicating acceptance of the union shop condition.

(9) No union shop election petition will be honored within twelve months following the director's certification of the results of a prior union shop certification election or a prior union shop decertification election.

[Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-045, filed 7/11/02, effective 9/1/02; 89-02-011 (Order 312), § 356-42-045, filed 12/28/88, effective 2/1/89; 88-18-010 (Order 307), § 356-42-045, filed 8/26/88; Order 69, § 356-42-045, filed 9/30/74; Order 57, § 356-42-045, filed 7/31/73.]

WAC 356-42-047 Union shop decertification. (1) Upon petition of thirty percent or more of the employees included in a bargaining unit, a union shop decertification election will be conducted by the director or his designee to determine whether the employee organization which is the union shop representative will remain certified as union shop representative for a bargaining unit.

(2) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(3) If a majority of the employees included in the bargaining unit vote to decertify the employee organization as union shop representative, the director will issue a notice of decertification. Once an employee organization has been decertified from a bargaining unit as union shop representative, all of its union shop rights cease in that unit.

(4) An employee organization is automatically decertified as union shop representative if it is decertified as exclusive bargaining representative in accordance with WAC 356-42-040 Decertification of exclusive bargaining representative.

(5) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits, and issues of the union shop and the union shop representative for the purpose of union shop decertification elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the union shop representative or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other repre-

sentatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(6) No union shop decertification election petition shall be honored within twelve months following the director's certification of the results of a prior union shop election or union shop decertification election.

[Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-42-047, filed 12/28/88, effective 2/1/89; Order 57, § 356-42-047, filed 7/31/73.]

WAC 356-42-050 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director of personnel or his designee. Requests for mediation must be submitted in writing to the director of personnel no later than thirty calendar days from the date of the agency's written response at the final internal step of the procedure. Grievance procedures shall also provide for arbitration by the board in accordance with WAC 356-42-055.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues upon authorization by the employee member. Any employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty calendar days prior to the effective date of such cancellation. Where union shop provisions exist, payroll deduction rights shall also extend to those employees who because of religious tenets pay a nonassociation fee, or employees who pay a representation fee.

(4) The initial term of written agreements shall not exceed three years. Automatic renewal or extension provisions may extend the period of the contract for a period not to exceed one year at a time.

(5) Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the merit system rule, the state civil service law or other applicable law.

[Statutory Authority: RCW 41.06.150, 89-02-011 (Order 312), § 356-42-050, filed 12/28/88, effective 2/1/89; 84-21-071 (Order 210), § 356-42-050, filed 10/17/84; Order 57, § 356-42-050, filed 7/31/73; Order 49, § 356-42-050, filed 8/17/72; Order 36, § 356-42-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-050.]

WAC 356-42-055 Arbitration—Grievance—Procedure. Whenever arbitration of a grievance is requested of the board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the specific issue(s) to be arbitrated.

(f) A statement of the relief sought.

(g) The signature and, if any, the title of the person filing the request for arbitration.

(h) A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) The board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the hearings coordinator determines the request is incomplete, the person filing the request is notified of the portions which need to be supplemented or changed to comply with subsection (1) of this section. When the hearings coordinator determines that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the board upon motion of the requesting party.

(4) After the request for arbitration is served on the opposing party(ies), the board or the board's designee may direct the parties or their representatives to engage in a pre-hearing conference(s) in accordance with WAC 356-37-160.

(5) The board's hearings coordinator shall schedule the arbitration for hearing pursuant to WAC 356-37-040.

(6) Within thirty calendar days from the date of service of the acknowledgment of the arbitration request, the respondent shall submit a written statement of issue(s) to be arbitrated. If no response is received, the petitioners' statement of issue(s) will be deemed to be the issue(s) at the arbitration hearing unless otherwise determined by the board.

(7) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(8) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The

board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty calendar days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(9) The grievant shall have the burden of proof and go forward with the evidence.

(10) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(11) The provisions of chapter 356-37 WAC (Hearings—General procedures) shall apply to the conduct of grievance arbitration hearings, except as otherwise provided in this section.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-055, filed 9/10/98, effective 10/12/98; 96-07-093, § 356-42-055, filed 3/20/96, effective 5/1/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-08-020 (Order 340), § 356-42-055, filed 3/28/90, effective 5/1/90; 89-19-063 (Order 331), § 356-42-055, filed 9/20/89, effective 10/21/89. Statutory Authority: RCW 41.06.150. 88-18-010 (Order 307), § 356-42-055, filed 8/26/88; 84-23-059 (Order 211), § 356-42-055, filed 11/20/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-055, filed 10/26/82.]

WAC 356-42-090 Impasse mediation. If agreement cannot be reached within a reasonable time in collective negotiation between the appointing authority or designee and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director of personnel or designee, who shall confer with both parties in an effort to resolve the dispute.

[Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-090, filed 10/26/82; Order 36, § 356-42-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-060.]

WAC 356-42-100 Impasse arbitration. If the director of personnel is unable to bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit the dispute to the board. As soon as practicable after submission of the dispute to arbitration each party shall file with the board a summary of:

- (1) The matters in dispute;
- (2) The position of the party on the matters in dispute; and
- (3) Desired contract language.

The board shall then schedule and hold a hearing. The decision of the board shall be final and binding.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-42-100, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-42-100, filed 10/26/82; Order 36, § 356-42-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-070.]

WAC 356-42-105 Requests for arbitration. A request for arbitration per WAC 356-42-055 shall not be allowed if the grievant(s) involved has the same issues pending before the personnel appeals board for processing per Title 358 WAC.

[Statutory Authority: RCW 41.06.150. 02-15-048, § 356-42-105, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-42-105, filed 9/10/98, effective 10/12/98; 88-18-010 (Order 307), § 356-42-105, filed 8/26/88.]

[Title 356 WAC—p. 94]

WAC 356-42-110 Savings provisions—Applicability—Rule construed. Nothing contained in this chapter shall be construed to annul or modify or to preclude the renewal or continuation of any lawful agreement heretofore entered into between any agency and any representative of its employees which does not violate the provisions of the State Civil Service Act or the rules adopted thereunder.

[Order 36, § 356-42-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-080.]

Chapter 356-46 WAC MISCELLANEOUS

WAC

356-46-010	Political activity—Regulations.
356-46-020	Discrimination—Prohibitions.
356-46-030	Disclosure of political, religious affiliations—Prohibited.
356-46-040	Conflict of employment—Prohibited.
356-46-050	Payroll certification.
356-46-060	Agencies—Personnel and payroll records.
356-46-070	Agencies—Reports on employee status changes—Requirements.
356-46-080	Agencies—Position control.
356-46-090	Personnel department—Reciprocity with other jurisdictions.
356-46-100	Rules—Amendments—Notice.
356-46-110	Severability.
356-46-120	Repeals—Savings.
356-46-125	Drug testing—Limitations—Uses.
356-46-135	Return-to-work program—Purpose.
356-46-140	Return-to-work program—Responsibilities—State agencies.
356-46-145	Employee eligibility in the return-to-work program.
356-46-150	Return to work initiative program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-46-130	State housing committee—Responsibilities. [Statutory Authority: RCW 41.06.150. 84-10-054 (Order 202), § 356-46-130, filed 5/2/84. Statutory Authority: RCW 41.06.150(17). 81-20-060 (Order 161), § 356-46-130, filed 10/5/81; 78-07-008 (Order 121), § 356-46-130, filed 6/12/78; Order 106, § 356-46-130, filed 7/25/77; Order 103, § 356-46-130, filed 6/23/77; Order 100, § 356-46-130, filed 3/30/77.] Repealed by 85-09-030 (Order 221), filed 4/12/85. Statutory Authority: RCW 41.06.150.]
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WAC 356-46-010 Political activity—Regulations. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose or any compulsory assessment or involuntary contribution is prohibited: Provided, however, That officers of employee organizations shall not be prohibited from soliciting dues or contributions from members of their organization. No person shall solicit on state property any contribution to be used for partisan, political purposes.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

(3) A classified civil service employee shall not hold a part-time public office in a political subdivision of the state when the holding of such office is incompatible with, or sub-

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stantially interferes with, the discharge of official duties in state employment as determined by the appointing authority.

(4) The rules and regulations of the United States Office of Personnel Management which pertain to political activities may apply to some employees. Persons engaged in federal loans or grants-in-aid programs should inquire about their own situations and contemplated activities.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-01-109 (Order 328), § 356-46-010, filed 12/20/89, effective 2/1/90. Statutory Authority: RCW 41.06.150. 83-01-115 (Order 179), § 356-46-010, filed 12/22/82. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-010, filed 9/26/78; Order 75, § 356-46-010, filed 3/24/75; Order 36, § 356-46-010, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-140.]

WAC 356-46-020 Discrimination—Prohibitions. No discrimination shall be exercised, threatened, or promised by any person in the employ of an agency against any applicant, eligible, or employee because of political or religious opinions or affiliations, or race, sex, age, disability, or veteran's status.

State agencies are subject to the Washington state law against discrimination, chapter 49.60 RCW. Persons who believe they have been discriminated against because of these reasons may file a complaint with the Washington state human rights commission as provided in RCW 49.60.230.

[Statutory Authority: RCW 41.06.150. 87-06-032 (Order 270), § 356-46-020, filed 2/27/87, effective 4/1/87. Statutory Authority: RCW 41.06.150(17). 78-10-070 (Order 123), § 356-46-020, filed 9/26/78; Order 36, § 356-46-020, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-150.]

WAC 356-46-030 Disclosure of political, religious affiliations—Prohibited. No recommendation of any applicant, eligible or employee involving a disclosure of political or religious opinions or affiliations shall be considered or filed by the agencies, the board or any office or employee concerned in making appointments or promotions.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-46-030, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 46.06.150(17) [41.06.150(17)]. 78-10-070 (Order 123), § 356-46-030, filed 9/26/78. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-030, filed 6/12/78; Order 36, § 356-46-030, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-160.]

WAC 356-46-040 Conflict of employment—Prohibited. No employee shall have conflicting employment while in the employ of an agency. Determination of such conflict shall be made by the employing agency.

[Order 36, § 356-46-040, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-170.]

WAC 356-46-050 Payroll certification. Payroll registers will be certified in accordance with instructions set forth in paragraph 4.3.2.1.5 of the financial and administrative policies, regulations and procedures published by the office of financial management.

[Statutory Authority: RCW 41.06.150. 83-24-002 (Order 193), § 356-46-050, filed 11/28/83. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-050, filed 6/12/78; Order 36, § 356-46-050, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-181.]

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WAC 356-46-060 Agencies—Personnel and payroll records. (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel and payroll records shall be open to the inspection of the board, state auditor, and the director of personnel or designee. The original personnel and payroll file shall accompany the employee throughout his/her service career including inter-system movement.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-46-060, filed 9/10/98, effective 10/12/98. Statutory Authority: RCW 41.06.040 and 41.06.150. 90-12-028 (Order 354), § 356-46-060, filed 5/30/90, effective 7/1/90. Statutory Authority: RCW 41.06.150, 41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205. 84-17-042 (Order 209), § 356-46-060, filed 8/10/84. Statutory Authority: RCW 41.06.150. 84-04-022 (Order 197), § 356-46-060, filed 1/24/84. Statutory Authority: RCW 41.06.150(17). 82-22-020 (Order 177), § 356-46-060, filed 10/26/82; 80-06-033 (Order 144), § 356-46-060, filed 5/9/80; Order 100, § 356-46-060, filed 3/30/77; Order 36, § 356-46-060, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-210, 356-32-220.]

WAC 356-46-070 Agencies—Reports on employee status changes—Requirements. The director shall provide appropriate forms for reporting of appointment, transfer, promotion, demotion, salary change, and any other temporary or permanent change in status of any employee. Utilizing such forms, appointing authorities shall report each status change to the director. Except as provided below, the director will indicate approval or disapproval on the forms and return a copy to the agency. The director shall also maintain a copy of the completed forms in department of personnel files, or in lieu thereof, may maintain in the files copies of listings of transactions accomplished by automated data processing equipment: Provided, That periodic salary increment increases, as defined by WAC 356-14-110 through 356-14-120, shall not be individually approved by the director. Each agency head shall be responsible for approval of such increases and shall assure that such are made in accordance with the rules and the approved compensation plan of the director.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-070, filed 7/8/04, effective 8/8/04; Order 75, § 356-46-070, filed 3/24/75; Order 36, § 356-46-070, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-200.]

WAC 356-46-080 Agencies—Position control. Each agency shall maintain a system of position identification and control indicating location, work shift, duties and organizational unit of each position as described on that position's classification questionnaire.

[Statutory Authority: RCW 41.06.150. 96-02-073, § 356-46-080, filed 1/3/96, effective 2/3/96; Order 36, § 356-46-080, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-214.]

WAC 356-46-090 Personnel department—Reciprocity with other jurisdictions. The director may cooperate with other state departments or with federal or local departments whose merit systems operate in conformity with standards comparable to those contained in these rules. The director may announce and administer joint examinations in conformity with the provisions of these rules, and the director may, in the absence of an appropriate register for a particular class of positions, recognize an appropriate register for such class of position established under another merit system operating in conformity with these standards and may accept regular certification from such registers under the rules governing certification.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-090, filed 7/8/04, effective 8/8/04; Order 36, § 356-46-090, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-230.]

WAC 356-46-100 Rules—Amendments—Notice. Whenever necessary or desirable, the director shall consult

with agencies and employee representatives affected to receive recommended amendments to the merit system rules. After 20 calendar days' notice to the above affected groups, the director shall hold hearings to approve, modify or reject the recommendation. Copies of approved amendments shall be sent to all agencies and made available for public distribution.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-100, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.150(17). 78-07-008 (Order 121), § 356-46-100, filed 6/12/78; Order 36, § 356-46-100, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-240.]

WAC 356-46-110 Severability. If any provision of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

[Order 36, § 356-46-110, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-260.]

WAC 356-46-120 Repeals—Savings. All previous merit system and/or civil service rules and amendments thereto are hereby repealed. All actions in force under previous merit system and/or civil service rules will be honored. Unfinished actions which were initiated under previous merit system and/or civil service rules may be completed under those rules.

[Order 36, § 356-46-120, filed 7/1/71, effective 8/1/71. Formerly WAC 356-32-270.]

WAC 356-46-125 Drug testing—Limitations—Uses. Except as required by federal or state laws or as provided in subsection (1) of this section, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(1) An agency may require a specific employee to submit to drug testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

(a) The agency has specific, objective grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) The employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) The agency has a specific written policy authorizing such test, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceeding challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(2) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but the results of such drug test shall provide no independent basis for disciplinary action. However, the agency

may use the results of a drug test to require an employee to successfully complete a rehabilitation plan. The rehabilitation plan terms may require the employee to pass all subsequent drug tests. In this situation, the independent use of a subsequent drug test may be the basis for disciplinary action.

(3) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(4) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(5) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the director to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-46-125, filed 7/8/04, effective 8/8/04; 98-19-034, § 356-46-125, filed 9/10/98, effective 10/12/98. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.150. 95-01-074, § 356-46-125, filed 12/15/94, effective 2/1/95. Statutory Authority: RCW 41.06.150. 88-03-042 (Order 291), § 356-46-125, filed 1/19/88, effective 3/1/88.]

WAC 356-46-135 Return-to-work program—Purpose. To establish a return-to-work program for permanent state employees who are receiving compensation under RCW 51.32.090 and who are, by reason of their temporary disability, unable to return to their previous work, but are capable of carrying out work of a lighter or modified nature.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-135, filed 7/13/90, effective 8/13/90.]

WAC 356-46-140 Return-to-work program—Responsibilities—State agencies. It will be the responsibility of each state agency to:

(1) Adopt a written return-to-work policy and submit a copy to the department of personnel. Prior to submittal to the department of personnel, the agency shall send a copy of the proposed policy to employee organizations certified as the exclusive representative for a bargaining unit and allow reasonable time for their response and participation and/or compliance with appropriate articles of the collective bargaining agreement.

(2) Designate an agency representative to be responsible for coordinating the return-to-work program of the agency.

(3) Provide an explanation of the agency return-to-work policy to all classified employees.

(4) Provide training of appropriate supervisors on implementation of the agency return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; general knowledge of available return-to-work options, resources available; and awareness that the return-to-work program expects cooperation and participation by all state agencies and institutions of higher education.

(5) Coordinate participation of applicable employee assistance programs, as appropriate.

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(6) Provide time limited opportunities to agency employees who are in the return-to-work program if possible.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-140, filed 7/13/90, effective 8/13/90.]

WAC 356-46-145 Employee eligibility in the return-to-work program. Employees are eligible to participate in the return-to-work program under the following conditions:

(1) The employee is a permanent state employee.

(2) The employee is receiving compensation under RCW 51.32.090.

(3) The employee has a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is capable of carrying out work of a lighter or modified nature as evidenced by a written statement from a physician or licensed mental health professional.

[Statutory Authority: RCW 41.06.040 and 41.06.150. 90-15-035 (Order 357), § 356-46-145, filed 7/13/90, effective 8/13/90.]

WAC 356-46-150 Return to work initiative program. The department of personnel is responsible for administering the return to work initiative program. The director shall develop and implement appropriate operating procedures to facilitate this program.

(1) The program applies to permanent employees who have been disability separated or who are at risk of disability separation due to an accepted industrial injury condition, and meet the following criteria for participation in the program:

(a) The employee must be employed by an agency participating in the program; and

(b) The agency must approve the participation of the employee to be in the program; and

(c) The employee must be permanently unable to return to the job of injury due to the effects of the industrial injury; however, the employee must be capable of return to some form of gainful employment; and

(d) the employee must have an open industrial insurance claim for which the employee is receiving current time loss compensation benefits; and

(e) The department of personnel must be able to secure authorization from the department of labor and industries to bill for return to work services against the industrial insurance claim.

(2) Permanent employees participating in the program may request placement on the reduction in force transition pool list to fill funded vacant positions for which there are no available candidates on reduction in force registers.

(3) Agencies, including those agencies with local list authority, who participate in the program shall adhere to the operating procedures established by the director.

[Statutory Authority: RCW 41.06.150. 01-11-113, § 356-46-150, filed 5/22/01, effective 7/1/01.]

Chapter 356-48 WAC STATE INTERNSHIP PROGRAM

WAC

356-48-010
356-48-020
356-48-030
356-48-040

State internship program—Purpose.
State internship program—Application of rules.
State internship program—General provisions.
State internship program—Eligibility—Duration of internship.

356-48-050 State internship program—Return rights—Benefits.
 356-48-060 State internship program—Completion of internship.

WAC 356-48-010 State internship program—Purpose. The purpose of the state internship program is to assist students and state employees in gaining valuable work experience and knowledge in various areas of state government. The program shall be administered by the office of the governor.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-010, filed 6/13/86, effective 8/1/86.]

WAC 356-48-020 State internship program—Application of rules. With the exceptions noted in chapter 356-48 WAC, the remainder of the merit system rules do not apply to positions in the state internship program.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-020, filed 6/13/86, effective 8/1/86.]

WAC 356-48-030 State internship program—General provisions. (1) No agency shall be deemed to exceed any limitation or full-time equivalent staff positions on the basis of intern positions established under the state internship program.

(2) The provisions of chapter 356-48 WAC shall not limit the authority of state agencies to continue or establish other internship programs or positions.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-030, filed 6/13/86, effective 8/1/86.]

WAC 356-48-040 State internship program—Eligibility—Duration of internship. The state internship program shall consist of two individual internship programs:

(1) An undergraduate internship program for students working toward an undergraduate degree. In addition, any state employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Persons selected to participate in the undergraduate internship program shall serve internships of three to six months.

(2) An executive fellows program for students who have successfully completed at least one year of graduate-level work and have demonstrated a substantial interest in public sector management. In addition, any state employee, whether working toward an advanced degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Positions in this program shall be as assistants or analysts at the mid-management level or higher. Persons selected to participate in the executive fellows program shall serve internships for one to two years.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-040, filed 6/13/86, effective 8/1/86.]

WAC 356-48-050 State internship program—Return rights—Benefits. (1) Employees leaving classified or exempt positions in state government to participate in the state internship program shall:

(a) Continue to receive all fringe benefits as if they had never left their classified or exempt position. In addition,

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employees leaving classified positions shall continue to accrue seniority while in the state internship program.

(b) Have the right to return to their previous position at any time during the internship or upon completion of the internship.

(2) Participants in the undergraduate internship program who were not state employees prior to accepting a position in the program shall accrue sick leave credits commensurate with other state employees.

(3) Participants in the executive fellows program who were not state employees prior to accepting a position in the program shall:

(a) Accrue sick leave and vacation leave credits commensurate with other state employees; and

(b) Receive insurance and retirement credit commensurate with other employees of the employing agency.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-050, filed 6/13/86, effective 8/1/86.]

WAC 356-48-060 State internship program—Completion of internship. (1) Successful completion of an internship in the undergraduate internship program or the executive fellows program shall be considered as employment experience at the level at which the intern was placed.

(2) Persons who successfully complete an internship under the executive fellows program shall be eligible for positions in the career executive program.

[Statutory Authority: RCW 41.06.150. 86-13-049 (Order 252), § 356-48-060, filed 6/13/86, effective 8/1/86.]

Chapter 356-49 WAC INTERSYSTEM EMPLOYMENT

WAC

356-49-010	Intersystem employment—Purpose.
356-49-020	Application of rules.
356-49-030	Eligibility—Definition.
356-49-040	Intersystem movement.

WAC 356-49-010 Intersystem employment—Purpose. The general purpose of this chapter is to permit permanent classified employees of higher education institutions to promote, transfer, or voluntarily demote to permanent classified positions in agencies via the intersystem employment register.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-010, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-010, filed 5/23/84, effective 9/1/84.]

WAC 356-49-020 Application of rules. Insofar as they do not conflict with the provisions of chapter 356-49 WAC, upon movement into the classified service under Title 356 WAC, the remainder of the merit system rules will apply.

[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-020, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-020, filed 5/23/84, effective 9/1/84.]

WAC 356-49-030 Eligibility—Definition. An employee who is currently employed and who has gained permanent classified status at a higher education institution.

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[Statutory Authority: RCW 41.06.150. 98-19-034, § 356-49-030, filed 9/10/98, effective 10/12/98; 84-11-091 (Order 204), § 356-49-030, filed 5/23/84, effective 9/1/84.]

WAC 356-49-040 Intersystem movement. (1) Permanent classified employees of higher education institutions desiring to promote, transfer, or voluntarily demote to agency classified positions must:

(a) Submit a Washington state application for employment in accordance with a current examination announcement.

(b) Successfully complete the designated examination.

(c) Have their name placed on the appropriate register as provided in WAC 356-26-070.

(d) Be certified to vacancy(ies) as provided in WAC 356-26-070.

(e) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the appropriate eligible list as provided by the higher education personnel rules (Title 251 WAC).

(2) Permanent classified employees desiring to promote, transfer, or voluntarily demote to agency classified positions will:

(a) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employees to the new position.

(b) Bring their accumulated vacation leave, sick leave and seniority with them; however, continued accumulation will be governed by the appropriate merit system rules.

(c) Retain their former periodic increment date.

(3) Classified employees of higher education institutions who have been or are going to be separated because of reduction in force action shall be certified to any agency vacant classified positions, provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other agency employees are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

[Statutory Authority: RCW 41.06.150. 01-07-057, § 356-49-040, filed 3/19/01, effective 5/1/01; 98-19-034, § 356-49-040, filed 9/10/98, effective 10/12/98; 85-21-113 (Order 237), § 356-49-040, filed 10/23/85, effective 12/1/85; 84-11-091 (Order 204), § 356-49-040, filed 5/23/84, effective 9/1/84.]

Chapter 356-56 WAC

WASHINGTON MANAGEMENT SERVICE

WAC

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356-56-015	Implementation of rules.
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Reduction in force—Agency procedure—Bump options.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

356-56-021

Washington management service—Transition of career executive program. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-021, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-021, filed 12/17/93, effective 1/18/94.] Repealed by 94-20-022, filed 9/26/94, effective 10/28/94. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500.

356-56-125

Salary surveys. [Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-125, filed 12/17/93, effective 1/18/94.] Repealed by 02-17-116, filed 8/21/02, effective 9/30/02. Statutory Authority: RCW 41.06.150.

WAC 356-56-001 Declaration of purpose. (1) The general purpose of this chapter of rules is to establish for the state a system of personnel administration called the Washington management service, as authorized in RCW 41.06.-500.

(2) Except as provided in RCW 41.06.070, the director of the department of personnel is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in WAC 356-56-002.

(3) In establishing rules for managers, the director shall adhere to the following goals:

(a) A simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) A compensation system consistent with RCW 41.06.150(14). The system shall provide flexibility in setting and changing salaries;

(c) A performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthened management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing work-

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place diversity; empowering employees by enabling them to share in workplace decision making, and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Provisions that managers may only be reduced, dismissed, suspended, or demoted for cause;

(g) Facilitation of decentralized and regional administration; and,

(h) Ensure that decisions are not based on patronage or political affiliation.

[Statutory Authority: RCW 41.06.150. 02-17-115, § 356-56-001, filed 8/21/02, effective 9/30/02. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-001, filed 12/17/93, effective 1/18/94.]

WAC 356-56-002 Inclusion in the Washington management service. (1) Chapter 356-56 WAC applies only to classified employees or positions that meet the definition of manager. Each agency will identify all positions that meet this definition and will place them in the Washington management service. Manager or managerial employee means the incumbent of a position that is assigned as follows:

(a) Formulates statewide policy or directs the work of an agency or agency subdivision;

(b) Administers one or more statewide policies or programs of an agency or agency subdivision;

(c) Manages, administers, and controls a local branch office of an agency or an agency subdivision, including the physical, financial, or personnel resources;

(d) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or,

(e) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment.

(2) Chapter 356-56 WAC shall not apply to managers whose positions are exempt from civil service or who are employed by institutions of higher education and related boards.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-002, filed 12/17/93, effective 1/18/94.]

WAC 356-56-010 Application of rules. (1) These rules shall be separate from rules adopted by the Washington personnel resources board or the director for classified employees in the Washington general service, and to the extent that the rules adopted apply only to managers.

(2) The intent of the director of personnel in adopting the rules in this chapter is to comprehensively cover the personnel matters relating to Washington management service positions. Therefore, if a Washington management service issue

is identified that the director has not specifically addressed by adopting rules, the rules governing Washington general service shall not be effective or take precedence in addressing the issue.

(3) Except where specifically stated otherwise, the following WAC chapters do not apply to positions or employees included in the Washington management service:

WAC 356-05	Definitions
WAC 356-10	Classification
WAC 356-14	Compensation
WAC 356-15	Compensation plan appendix
WAC 356-22	Recruitment—Examination
WAC 356-26	Registers—Certification
WAC 356-30	Appointments—Separation
WAC 356-34	Disciplinary action—Appeals
WAC 356-37	Hearings
WAC 356-39	Human resource development
WAC 356-49	Intersystem employment

(4) Except where specifically stated otherwise, the following WAC chapters do apply to positions or employees included in the Washington management service:

WAC 356-06	General provisions
WAC 356-07	Operations and public records
WAC 356-09	Affirmative action program
WAC 356-18	Leave
WAC 356-35	Disability—Separation—Appeals—Procedures
WAC 356-42	Labor relations
WAC 356-46	Miscellaneous
WAC 356-48	State internship program

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-010, filed 7/8/04, effective 8/8/04. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-010, filed 12/17/93, effective 1/18/94.]

WAC 356-56-015 Implementation of rules. Chapter 356-56 WAC adopted by the director of personnel applies to all agencies.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-20-022, § 356-56-015, filed 9/26/94, effective 10/28/94; 94-12-055, § 356-56-015, filed 5/27/94, effective 7/1/94; 94-09-012, § 356-56-015, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-015, filed 12/17/93, effective 1/18/94.]

WAC 356-56-020 Role of the department of personnel. (1) The department of personnel will provide support, guidelines, and assistance to agencies in the decentralized administration of all aspects of the Washington management service.

(2) The department of personnel will consult with each agency as needed to ensure fair and equitable administration of Washington management service rules.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-020, filed 12/17/93, effective 1/18/94.]

WAC 356-56-030 Equal opportunity and affirmative action. (1) Washington management service policies and practices shall not discriminate on the basis of race, creed, color, religion, national origin, sex, age, marital status, vet-

eran status, sexual orientation, or the presence of any sensory, mental, or physical disability.

(2) Each agency will include Washington management service positions in its affirmative action plans required by chapter 356-09 WAC. Each agency will be accountable for establishing procedures, goals, timetables, and record keeping and monitoring procedures for Washington management service positions as part of its affirmative action program.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-09-012, § 356-56-030, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-030, filed 12/17/93, effective 1/18/94.]

WAC 356-56-035 Definitions. (1) **Anchor positions.** Generic anchor positions are those which are found in many agencies; they are commonly understood and similarly used from agency to agency. Agency-specific anchor positions are those anchor positions in each agency which are commonly understood and similarly used throughout the agency.

(2) **Appointing authority.** A person or group of persons designated by the agency head to make appointments, impose formal discipline or otherwise regulate personnel matters.

(3) **Evaluation points.** The points resulting from an evaluation of a position using the managerial job value assessment chart.

(4) **Management bands.** A series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position.

(5) **Salary standard.** The maximum dollar amount assigned to a position in those agencies that use a salary standard in addition to, or in place of, evaluation points.

(6) **Transfer.** Movement from one position to a different position with the same evaluation points.

(7) **Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW which do not meet the definition of manager found in RCW 41.06.020.

(8) **Washington management service.** The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of RCW 41.06.022 and 41.06.500.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-035, filed 7/8/04, effective 8/8/04. Statutory Authority: RCW 41.06.500. 97-23-001, § 356-56-035, filed 11/5/97, effective 12/8/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-035, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-035, filed 12/17/93, effective 1/18/94.]

WAC 356-56-050 Transition. (1) Until such time that an agency completes the initial evaluation of the position (as described in WAC 356-56-105) or changes the position, the incumbent and position when initially placed in the Washington management service will:

- (a) Retain current salary;
- (b) Immediately assume permanent status in the Washington management service for permanent status employees;
- (c) Obtain permanent status upon completion of the probationary or trial service time period for employees in trial service or probationary status at the time of transition; and,

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(d) Continue in the current work period designation until changed by the agency.

(2) Until all positions in an agency are evaluated in accordance with WAC 356-56-105, employees shall be treated in accordance with WAC 356-30-330 should a reduction in force occur.

(3) Upon transition of their current position from Washington general service into the Washington management service, incumbent employees eligible to receive periodic increments shall continue to receive annual periodic increments until their salary reaches or exceeds the top step of the former range, as specified in WAC 356-14-110.

(4) Permanent status employees who are in project positions at the time their regular positions are placed in the Washington management service, have return rights to the same or similar Washington management service positions.

(5) Incumbents of project positions that are transitioned to the Washington management service will retain the return, reduction in force, voluntary demotion, transfer and promotion rights and requirements as provided in WAC 356-30-145.

[Statutory Authority: RCW 41.06.500. 95-19-056, § 356-56-050, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-20-022, § 356-56-050, filed 9/26/94, effective 10/28/94; 94-12-055, § 356-56-050, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-050, filed 12/17/93, effective 1/18/94.]

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1) When the director determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-03-010 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the director and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the director and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

[Statutory Authority: RCW 41.06.150. 04-15-018, § 356-56-070, filed 7/8/04, effective 8/8/04; 02-15-043, § 356-56-070, filed 7/11/02, effective 9/1/02.]

WAC 356-56-100 Compensation policy and practice.

(1) Each agency has the overall responsibility for effectively managing and properly budgeting for salaries for its Washington management service positions. Each agency shall develop policies and procedures, consistent with chapter 356-56 WAC and guidelines established by the department of personnel, for fair and objective internal salary administration. In developing and administering these policies and procedures, each agency will adhere to the following:

(a) In all aspects of compensation administration, no agency policy or procedure shall be negotiated or agreed to that reduces an agency's flexibility and discretion in assigning salaries, making salary adjustments, or other pay practices.

(b) Point factor evaluations of anchor positions will provide a framework for the evaluations of the remaining positions in the Washington management service. The department of personnel will participate in reevaluations of generic anchor positions.

(c) Each agency will identify agency-specific anchor positions which are generally used the same throughout the agency.

(2) The salary for each position shall have a relationship to both its point factor evaluation and the prevailing market rate.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-100, filed 12/17/93, effective 1/18/94.]

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WAC 356-56-105 Position evaluation—Assignment to management bands. Management bands are a series of management levels included in the Washington management service. Placement in a band reflects the nature of management, decision-making environment and policy impact, and scope of management accountability and control assigned to the position. Each agency will evaluate its positions using a managerial job value assessment chart developed by the department of personnel. The number of points resulting from the evaluation will determine to which management band a position is assigned.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-105, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-105, filed 12/17/93, effective 1/18/94.]

WAC 356-56-115 Salary adjustments. (1) Adjustments to the compensation for a position with no change in evaluation points shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Excluded from the ten percent limit on salary increases are annual periodic increments, legislatively approved increases, movement of a position to the minimum of the band, initial transition evaluation adjustments, and promotional increases. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

(a) Legislatively directed general and/or special increase;

(b) Documented recruitment and/or retention problems as approved by the agency director or designee;

(c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent.

(2) Voluntary movement in or to a position of lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional responsibilities which results in a higher salary standard and/or higher evaluation points for the same position, or movement to a different position that has a higher salary standard and/or higher evaluation points. Promotional increases may exceed ten percent.

(4) A disciplinary demotion for cause is the assignment of responsibilities which results in a lower salary standard and/or lower evaluation points for the same position, or movement to a different position that has a lower salary standard and/or lower evaluation points. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act.

(5) Involuntary downward movement based on a nondisciplinary reassignment of duties that results in a lower salary standard and/or lower evaluation points for an employee's

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present position shall not cause a decrease in the employee's current salary. The employee's current salary will be retained until such time as it is exceeded by the Washington management service salary structure or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such compensation shall not become a permanent salary increase but is considered to be income for recognizing documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

(7) Salary changes greater than five percent proposed for any group of employees shall require review and approval by the director of personnel.

[Statutory Authority: RCW 41.06.500, 97-17-041, § 356-56-115, filed 8/14/97, effective 9/15/97; 96-12-004, § 356-56-115, filed 5/23/96, effective 6/6/96; 95-19-056, § 356-56-115, filed 9/15/95, effective 10/16/95. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500, 94-12-055, § 356-56-115, filed 5/27/94, effective 7/1/94; 94-09-012, § 356-56-115, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-115, filed 12/17/93, effective 1/18/94.]

WAC 356-56-118 Relocation compensation. (1) An agency director may authorize lump sum relocation compensation, within existing resources, whenever:

(a) It is reasonably necessary that a person make a domiciliary move in accepting a transfer or appointment; or

(b) It is necessary to successfully recruit or retain a qualified candidate or employee who will have to make a domiciliary move in order to accept the position.

(2) If the person receiving the relocation payment terminates or causes termination with the state within one year of the date of the appointment or transfer, the state is entitled to reimbursement of the lump sum compensation from the person. Termination as a result of layoff, disability separation, or other good cause as determined by the agency director will not require the person to repay the relocation compensation.

(3) Prior to authorizing lump sum relocation compensation, each agency shall develop written criteria which include:

(a) Defining the circumstances in which relocation compensation will be granted; and

(b) The method used in determining the amount of compensation.

[Statutory Authority: RCW 41.06.150, 99-22-106, § 356-56-118, filed 11/3/99, effective 12/6/99.]

WAC 356-56-120 Other pay practices. (1) Each agency shall be responsible for determining the work period designation for each of its positions in accordance with the federal Fair Labor Standards Act. For positions covered by the overtime provisions of the Fair Labor Standards Act, pay shall be administered as prescribed by chapter 356-15 WAC.

(2) Leave accrual and use and holiday time will be administered as prescribed in chapter 356-18 WAC.

(3) Each agency will determine policy and practices for additional compensation such as shift differential, call-back pay, and standby pay.

(2005 Ed.)

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500, 94-12-055, § 356-56-120, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-120, filed 12/17/93, effective 1/18/94.]

WAC 356-56-200 Recruitment and selection policy and practice. Each agency shall develop policies and procedures for filling positions and for employee movement that will best meet client, employee, management, and organizational needs.

(1) Policies and procedures for recruitment and selection will be inherently flexible, permitting methods and strategies to be varied and customized for each recruitment and selection need. In all aspects of recruitment and selection, no agency policy or procedure shall be negotiated or agreed to if it will reduce the agency's flexibility and discretion in filling a position or moving an employee; provided that, such policies and procedures are consistent with chapter 356-56 WAC.

(2) In developing and administering these policies and procedures, each agency will adhere to the following:

(a) Provide for the ability to consider any or all qualified candidates for hire, promotion, or internal movement.

(b) Ensure that hiring decisions are fair, objective, and based on the evaluation of the knowledge, skills, abilities, and other job related characteristics required for successful job performance.

(c) Support workforce diversity and affirmative action goals.

(d) Consider the career development of the agency's employees and other state employees.

(e) Ensure that hiring decisions are not based on patronage or political affiliation.

(f) Ensure compliance with state and federal laws relating to employee selection and nondiscrimination.

(g) Encourage decentralized and regional administration of the recruitment and selection processes when it is appropriate for the agency.

(h) Encourage notification of the department of personnel when recruiting outside the hiring agency.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500, 94-01-126, § 356-56-200, filed 12/17/93, effective 1/18/94.]

WAC 356-56-203 Department of social and health services—Background check requirements. (1) The secretary of the department of social and health services shall conduct background checks on all employees in covered positions ("employees") and persons under final consideration for a covered position ("applicants"). A covered position is one in which a person will or may have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities. Employees and applicants shall authorize the secretary of the department of social and health services to conduct a background check.

(2) The requirement for background checks shall include the following:

(a) Any employee seeking a covered position because of a reduction-in-force or other movement.

(b) Any applicant prior to appointment into a covered position, except when appointment is made on a conditional basis under subsection (6)(b) of this section.

[Title 356 WAC—p. 103]

(3) A background check will be conducted on the final preferred candidate prior to appointment.

(4) The secretary of the department of social and health services shall use the results of a background check solely to determine the character, competence and suitability of a person for a covered position. The background check information shall consist of:

(a) Conviction records, pending charges, and disciplinary board final decisions.

(b) Evidence that substantiates or mitigates convictions, pending charges, and disciplinary board final decisions including, but not limited to:

(i) The employee or applicant's background check authorization and disclosure form;

(ii) The employee or applicant's age at the time of conviction, charge, or disciplinary board final decision;

(iii) The nature and severity of the conviction, charge, or disciplinary board final decision;

(iv) The length of time since the conviction, charge, or disciplinary board final decision;

(v) The nature and number of previous offenses;

(vi) Vulnerability of the child, vulnerable adult, or individual with mental illness or developmental disabilities to which the employee or applicant will or may have unsupervised access; and

(vii) The relationship between the nature of the conviction, pending charge, or disciplinary board final decision and the duties of the employee or applicant.

(5) A permanent employee with a background check disqualification is subject to any of the following actions:

(a) Job restructuring;

(b) Job reassignment;

(c) Movement in accordance with WAC 356-56-205;

(d) Voluntary resignation;

(e) Nondisciplinary separation. The employee shall be separated by the appointing authority after fifteen calendar days written notice unless the employee requests a shorter notice period;

(f) Disciplinary action in accordance with WAC 356-56-500; and/or

(g) Interim measures that may be used while the appointing authority explores the availability of actions (not to exceed 30 calendar days except in cases where there are investigations of pending charges):

(i) Voluntary use of accrued vacation and/or exchange time.

(ii) Authorized leave without pay, if there is no paid leave available, or if the employee chooses not to use paid leave.

(iii) Reassignment to another work location.

(h) When considering the above actions, the agency will consider the least restrictive means necessary to prevent unsupervised access.

(6) The secretary of the department of social and health services shall:

(a) Notify employees and applicants that a background check is required for covered positions;

(b) Develop procedures specifying when employees and applicants may be hired on a conditional basis pending the results of a background check;

(c) Develop policies and procedures pertaining to background checks; and

(d) Notify employees of any general service promotional register rights they may have.

(7) Failure to authorize the secretary of the department of social and health services to conduct a background check disqualifies an employee or applicant from consideration for any covered position including their current covered position.

(8) An applicant for a covered position who is denied employment due to a disqualifying background check may request a review by the appointing authority. Requests for review must be in writing and received by the appointing authority within fifteen calendar days of the postmark date of the notification.

(9) A separation under subsection (5)(e) of this section shall not be considered a disciplinary action as set forth in WAC 356-56-500. A permanent Washington management service employee separated under (5)(e) of this section may appeal to the personnel appeals board in accordance with WAC 356-56-600.

(10) A Washington management service employee who has been separated under subsection (5) of this section, and who has held permanent status in the Washington general service, will be able to apply promotionally for any classes that are at the same salary level or lower than the position from which he/she was separated. Employee's access to the general service promotional register will be governed by the provisions of WAC 356-26-030 (4)(d)(ii).

(11) Nothing in this rule shall limit the secretary of the department of social and health services' use of other authorities to conduct background checks.

(12) Information pertaining to background checks is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant and/or employee. Misuse of background check information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-56-500.

(13) The department of social and health services will submit a report to the director by January 31, 2002, reporting actions taken under subsection (5) of this rule and placement of employees into other positions within the agency.

[Statutory Authority: RCW 41.06.150. 01-21-051, § 356-56-203, filed 10/15/01, effective 12/1/01.]

WAC 356-56-205 Movement within Washington management service. (1) There is no required promotional preference when recruiting and selecting for Washington management service positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to those eligible for agency or service-wide promotion.

(2) A transfer is the movement of an employee from one position to a different position or movement of a position from one section, department, or geographical location to another at the same salary standard and/or same evaluation points.

(a) An employee and the affected agency or agencies may agree to a transfer within Washington management service, within an agency, or between agencies.

(b) An agency or agencies may transfer an employee or a position with an incumbent to meet client or organizational

needs if the new location is within a reasonable commute as defined by the agency.

(c) An agency may transfer a position at any time. However, if the transfer results in an unreasonable commute for the incumbent, and the incumbent does not agree to transfer with the position, the rules on reduction in force as provided in WAC 356-56-550 shall apply.

[Statutory Authority: RCW 41.06.500. 97-17-041, § 356-56-205, filed 8/14/97, effective 9/15/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-205, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-205, filed 12/17/93, effective 1/18/94.]

WAC 356-56-210 Movement between Washington management service and Washington general service positions. (1) Employees who have attained permanent status, or who have completed six months of the review period in the Washington management service are eligible to compete under promotional recruitments for Washington general service positions.

(2) Permanent employees may transfer from the Washington management service to Washington general service positions if their salary is within the salary range of the Washington general service position.

(3) Permanent employees may transfer from Washington general service to Washington management service positions if their salary is within the management band of the Washington management service position.

(4) Permanent employees may voluntarily demote between Washington management service and Washington general service positions at a lower pay level than their current permanent position.

(5) Permanent WMS employees may accept temporary employment in the general service as provided in WAC 356-30-067. Upon termination of such temporary appointment, the employee shall have the right to resume the same or similar permanent Washington management service position within their permanent agency, at their former status.

(6) Permanent WMS employees may accept project employment in the general service as provided in WAC 356-30-145. Upon reduction in force from the project, or at the request of the employee, the employee will have reduction in force rights of the permanent Washington management service position they left. Employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force register for the general service classes in which permanent project status was attained.

(7) Permanent employees who promote or voluntarily demote from the Washington management service to the Washington general service and who are either voluntarily or involuntarily reverted during the trial service period may have reversion rights or may be placed in the reduction in force transition pool as provided in WAC 356-30-320 and 356-30-331.

[Statutory Authority: RCW 41.06.150. 01-03-003, § 356-56-210, filed 1/4/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-210, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-210, filed 12/17/93, effective 1/18/94.]

WAC 356-56-215 Acting appointments. An agency may make acting, nonpermanent appointments when necessary to meet organizational needs. Prior to the appointment, the appointing authority will communicate in writing to the employee the length, intent, salary, and other conditions of the appointment. Permanent employees will have the right to resume their previous or similar position at the conclusion of the acting appointment. However, an employee shall not be forced to accept an acting appointment that results in an increase or decrease in salary.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-215, filed 12/17/93, effective 1/18/94.]

WAC 356-56-220 Review period—Attaining permanent status. (1) The review period for an appointee to a position within the Washington management service is a period of time to allow the employer to ensure the appointee meets the performance and other requirements of the position.

(2) Based on the nature of the job and the skills of the appointee, the review period will be between twelve and eighteen months as determined by the appointing authority. The appointing authority will inform the appointee in writing at the time of appointment of the length of the review period.

(3) Appointees from outside state service and promotional appointees will attain permanent status in the position upon successful completion of the review period.

(4) An appointing authority may require an employee who transfers or voluntarily demotes to serve a review period. The employer may extend the review period by the number of work hours in excess of 174 hours that the employee is on sick leave, leave used in lieu of sick leave, and leave without pay. The granting of leave shall be in compliance with chapter 356-18 WAC and the Fair Labor Standards Act.

(5) An employee who is promoted to a different Washington management service position in the same agency during the review period, will begin a new review period for the new position. The employee will concurrently serve both the original and the new review period and will attain permanent status as a state employee in the original position when the original review period elapses.

(6) An employee who is promoted to a different Washington management service position in a different agency during the review period will begin a new review period for the new position. The employee will not attain permanent status in the original position in the former agency unless agreed to in writing by the appointing authorities in both agencies.

(7) An employee who is appointed to a Washington management service position from a Washington general service position in the same agency while serving a probationary or trial service period in the same or similar occupational field will serve the trial service or probationary period concurrently with the review period. The employee will attain permanent status in the previous job classification once the original probationary or trial service period elapses.

(8) An employee who is appointed to a Washington management service position from a Washington general service position in a different agency while serving in a probationary or trial service period will not attain permanent status in the original position in the former agency unless agreed to in writing by the appointing authorities in both agencies.

(9) The agency may require a review period when the employee remains in the same position and receives a promotion.

[Statutory Authority: RCW 41.06.150. 01-03-003, § 356-56-220, filed 1/4/01, effective 5/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-220, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-220, filed 12/17/93, effective 1/18/94.]

WAC 356-56-230 Reversion. (1) During the review period, the appointing authority may separate or revert the employee from the position with written notification of the effective date.

(2) If a Washington management service permanent employee is appointed to a Washington management service position in the same agency, and reverted during the review period, the agency will place the employee in a vacant funded Washington management service position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last Washington management service appointment. If no vacant funded positions are available, the agency shall place the employee in a position for which the employee is qualified in the Washington management service similar to the employee's previous position and salary.

(3) If a Washington management service permanent employee is appointed to a Washington management service position in a different agency, and is reverted during the review period, the hiring agency will place the employee in a vacant funded Washington management service position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last Washington management service appointment. If no vacant funded positions are available, the hiring agency shall place the employee in a position for which the employee is qualified, in the Washington management service similar to the employee's previous position and salary.

(4) If a permanent Washington general service employee is appointed to a Washington management service position in the same agency and is reverted during the review period, the employee will retain reversion rights to and be placed in a position in the Washington general service class in which the employee held permanent status prior to the Washington management service appointment as provided in WAC 356-30-315.

(5) If a permanent Washington general service employee is appointed to a Washington management service position in a different agency and is reverted during the review period, the hiring agency will place the employee in a vacant funded position for which the employee is qualified, and that is comparable to the employee's position and salary prior to the last Washington management service appointment. If no funded vacancies are available, the employee is separated and may request to be placed on the reversion registers for the Washington general service class in which the employee held status prior to the Washington management service appointment as provided in WAC 356-30-315.

(6) Within the first six months of any review period, an employee may voluntarily revert to the Washington general service position, if vacant and funded, held prior to the employee's first Washington management service appointment or to a similar funded vacant position at the same salary

range. If no funded vacancies are available, the employee may request to be placed on the reversion registers for the Washington general service class in which the employee held status prior to the first Washington management service appointment.

(7) Nothing in this section shall preclude agencies and the reverted employee from reaching mutual agreement on placement of a reverted employee within the Washington management service or within the Washington general service if permitted by the respective rules.

(8) If reversion of a permanent employee appointed to or within the Washington management service results in fewer funded positions than employees entitled to the positions, and the agency consequently conducts a reduction in force, the provisions of WAC 356-56-550 will apply.

(9) An appointee to a Washington management service position from outside state service who is separated prior to completion of the review period will not attain permanent status, nor have reversion rights to any position within the Washington management service or within the Washington general service.

(10) Employees may not appeal reversion or separation from the review period.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-09-012, § 356-56-230, filed 4/12/94, effective 5/14/94; 94-01-126, § 356-56-230, filed 12/17/93, effective 1/18/94.]

WAC 356-56-255 Return from exempt service.

Return from an exempt appointment will be accomplished as provided in WAC 356-06-055.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-255, filed 12/17/93, effective 1/18/94.]

WAC 356-56-400 Training and development. (1) The responsibility for training and development is a collaborative effort among state agencies, managers, and the department of personnel.

(a) Each state agency shall provide development and training opportunities specifically designed to refine and broaden managerial knowledge, skills, and abilities. Diversity and education about the civil service system will be part of this training.

(b) Managers shall be responsible for seeking out and fully participating in opportunities to enhance their knowledge, skills, and abilities.

(2) The department of personnel shall assist state agencies by providing a quality training program and consultative and technical assistance to help agencies address the development needs of their managers.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-400, filed 12/17/93, effective 1/18/94.]

WAC 356-56-410 Tuition reimbursement and educational leave. Each agency shall develop policies for managerial development and training opportunities and criteria for providing textbooks, materials, registration fees, and other training and educational expenses, tuition reimbursement, and educational leave.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-410, filed 12/17/93, effective 1/18/94.]

WAC 356-56-420 Human resource development plan. Each agency shall ensure that the development needs of managers are incorporated into the agency's human resource development plan. Each agency is responsible for periodic evaluations of its plan.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-420, filed 12/17/93, effective 1/18/94.]

WAC 356-56-440 Performance evaluation. (1) Each agency shall evaluate the performance of its managers during their review periods and at least annually thereafter.

(2) The department of personnel shall provide a performance evaluation system which shall be used by each state agency for evaluation of its managers. Agencies may tailor the managerial evaluation system to fulfill agency-unique needs, provided the emphasis be placed on:

(a) Collaboration and communication between the supervisor and managerial employee during the performance planning and evaluation process;

(b) Planning for and assessment of results;

(c) Preparation of a management development plan; and,

(d) Assessment of those knowledge, skills, and abilities that are critical to effective managerial performance.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-440, filed 12/17/93, effective 1/18/94.]

WAC 356-56-500 Disciplinary action. Appointing authorities may demote, suspend, reduce in salary, or dismiss a permanent Washington management service employee for cause. The disciplinary process shall be administered in accordance with WAC 356-34-020 through 356-34-070. However, these actions must be in conformance with the Fair Labor Standards Act.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-500, filed 12/17/93, effective 1/18/94.]

WAC 356-56-550 Reduction in force—Agency procedure—Bump options. (1) Washington management service employees may be separated due to reduction in force in accordance with the statutes and the agency's reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated to the Washington general service, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of these rules.

(2) When exempt employees have statutory rights to return to the Washington management service, such employees first shall be returned to the position selected. If such return causes the total number of employees to exceed the total number of positions to be filled, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) Each agency shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force, seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees last continuous time within their current position; if the tie still

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exists, by measuring the employees last continuous time in their current agency; and if the tie still exists, by lot.

(b) Layoff units will be clearly defined, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(c) Options in lieu of separation by reduction in force may be offered by an agency only when such options are in accordance with the agency's reduction in force procedure.

(d) Appointment to vacancies and "bumping" shall occur in accordance with the following:

(i) Appointing authorities will seek within the agency a funded vacant Washington management service position for which the employee has the required job skills, and that is at the same salary standard and/or same evaluation points. If no funded vacancies exist, then the appointing authority shall seek a funded position within the agency at the same or lower salary standard and/or at the same or lower evaluation points for which the separated employee has greater seniority, applicable personal work history, and the required job skills. The appointing authority will first look within the current management band for equivalent funded positions at the same salary standard and/or the same evaluation points, and if none are found, then progressively to positions with a lower salary standard and/or lower evaluation points. The appointing authority may consider vacant positions within the agency at higher evaluation points.

(ii) Appointing authorities will consider appropriate Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate Washington management service positions within the agency which have a lower salary standard and/or lower evaluation points and salary.

(iii) Permanent Washington management service employees who have no options for the same or similar positions in the Washington management service, and who have held permanent status in the Washington general service, will be afforded reduction in force rights as provided in chapter 356-30 WAC.

(e) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(f) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(g) Seniority for part-time employees will be computed using the same percentage the part-time schedule bears to a full-time schedule. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(h) No permanent employee shall be separated through reduction in force without being offered acting positions for which the agency determines the employee is qualified.

(i) The salary of an employee who accepts a position with lower evaluation points shall be determined by the agency.

[Statutory Authority: RCW 41.06.500. 97-17-041, § 356-56-550, filed 8/14/97, effective 9/15/97. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-12-055, § 356-56-550, filed 5/27/94, effective 7/1/94; 94-01-126, § 356-56-550, filed 12/17/93, effective 1/18/94.]

WAC 356-56-600 Appeals. (1) Only disciplinary action as defined in WAC 356-56-500, transfer that is alleged to be an unreasonable commute, disability separation, nondisciplinary separation made under the provisions of WAC 356-56-203 (5)(e) of these rules, or reduction in force action directly affecting a permanent Washington management service employee may be appealable to the personnel appeals board as provided in Title 358 WAC.

(2) Decisions on which Washington management service positions shall be eliminated under reduction in force actions shall not be appealable to the personnel appeals board.

[Statutory Authority: RCW 41.06.150. 01-21-051, § 356-56-600, filed 10/15/01, effective 12/1/01. Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-600, filed 12/17/93, effective 1/18/94.]

WAC 356-56-610 Reviews. (1) Each agency will develop policies and procedures for conducting an informal review of certain actions with which the affected employee disagrees (except as described in WAC 356-56-600). In developing and administering these policies, the agency will adhere to the following:

(a) The informal review shall be limited to a maximum of three levels of review within the agency.

(b) Informal reviews may be limited to a review of documentation and other relevant information. Review decisions should be prompt.

(c) Except as provided in WAC 356-56-610 (3)(c), the informal review will be conducted by the agency director or designee.

(2) Employee requests for review must be in writing and requested within fifteen calendar days of the action or notification or awareness (whichever was first) of the action to be reviewed.

(3) An agency shall conduct an informal review, at the employee's request, for the following actions:

(a) Salary adjustment (or lack thereof) when the responsibilities of the permanent employee's position have been changed.

(b) Placement actions following reversion of a permanent employee.

(c) Decisions about if a position is included in the Washington management service.

(i) The final agency-internal review shall be conducted by the agency director or designee.

(ii) If the incumbent disagrees with the agency director/designee's decision, he/she may request a review by the director of the department of personnel, provided that such request is made within fifteen calendar days of notification of the decision. Such review will be limited to relevant documents and information and will be final.

(4) Each agency is responsible for identifying and acting upon patterns or trends that signal problems or training needs among its managers.

(5) Each agency shall maintain a record of the number, nature, and outcome of informal reviews.

(6) The director of personnel retains the right to review any review decision rendered by agency heads or designees or any actions taken under the Washington management service.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-610, filed 12/17/93, effective 1/18/94.]

WAC 356-56-630 Resignation. Washington management service employees may resign following the provisions of WAC 356-30-250 (1) through (4).

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-630, filed 12/17/93, effective 1/18/94.]

WAC 356-56-650 Record keeping. Each agency will maintain records of employees in the Washington management service. The records will identify employees as members of the Washington management service, including position numbers and position titles, and track all personnel actions related to them. Agencies will be responsible for reporting statistical information to the department of personnel regarding diversity, applicant flow, and appointments following each selection.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-650, filed 12/17/93, effective 1/18/94.]

WAC 356-56-660 Administrative procedures—Rule making. (1) The director of personnel will adopt rules as necessary and appropriate pursuant to RCW 41.06.500 and chapter 356-56 WAC. The director will hold a formal, public meeting to receive comments and a record of proceedings will be maintained.

(2) The meetings in which the director of personnel receives comments on rule proposals shall be conducted in a facility and manner that reasonably accommodates the needs of persons with disabilities.

(3) Interested parties may participate in the formulation of rules or amendments thereto by offering proposals for the director's consideration. As necessary, informal meetings of interested parties and department of personnel staff may be called prior to presenting rule proposals to the director.

[Statutory Authority: Chapter 41.06 RCW and RCW 41.06.500. 94-01-126, § 356-56-660, filed 12/17/93, effective 1/18/94.]

Chapter 356-60 WAC COMBINED FUND DRIVE

WAC

356-60-010	Purposes and scope.
356-60-020	Definitions.
356-60-030	Combined Fund Drive committee established.
356-60-032	Establishing a local CFD campaign.
356-60-034	CFD campaign expenses.
356-60-055	Determination of eligibility—Procedure for reconsideration.
356-60-057	Decertification and disqualification.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

356-60-040	Basic standards and criteria for agency membership applicable to all agencies. [Statutory Authority: RCW 41.06.150, 02-17-114, § 356-60-040, filed 8/21/02, effective 9/30/02.] Repealed by 04-11-045, filed 5/13/04, effective 5/13/04. Statutory Authority: RCW 41.06.150.
356-60-050	Required characteristics of eligible federations (umbrella organizations). [Statutory Authority: RCW 41.06.150, 02-17-114, § 356-60-050, filed 8/21/02, effective 9/30/02.] Repealed by 04-11-045, filed 5/13/04, effective 5/13/04. Statutory Authority: RCW 41.06.150.
356-60-060	Qualifications for local campaign manager. [Statutory Authority: RCW 41.06.150, 02-17-114, § 356-60-060, filed 8/21/02, effective 9/30/02.] Repealed by 04-11-045, filed 5/13/04, effective 5/13/04. Statutory Authority: RCW 41.06.150.

WAC 356-60-010 Purposes and scope. (1) The following rules are promulgated to implement a charitable CFD campaign for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, not-for-profit organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified participating organizations and participating federations.

(2) The intent of these rules is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in the community or region where the employees and public agency retirees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers caused by multiple charitable fund drives; and

(d) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

(3) The CFD campaign is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organizations and federations. A CFD campaign may be conducted during a seven-week period, from September 1 to December 15, as determined by each state agency and higher education institution in accordance with these rules. In extraordinary circumstances, the CFD committee may consider granting approval for solicitations at other times.

(4) These rules in WAC 356-60 do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

[Statutory Authority: RCW 41.06.150, 04-11-045, amended and recodified as § 356-60-010, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-020, filed 8/21/02, effective 9/30/02.]

WAC 356-60-020 Definitions. (1) CFD committee—The Washington state combined fund drive (CFD) committee described in WAC 356-60-030.

(2) CFD—Washington state combined fund drive.

(3) CFD campaign—The annual period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations, during the ensuing year of contributions.

(4) Participating organization—A public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD committee to participate in the CFD campaign.

(5) Federation—A public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

(6) Year of contributions—The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions shall begin with January and end with the ensuing December.

(7) Not-for-profit organization—An organization that is operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to people with disabilities;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

(8) Local presence—Demonstration of direct and substantial presence in the local CFD campaign community through:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local CFD campaign community; or

(b) The presence within the local CFD campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof; or

(c) The availability to persons working or residing in the local CFD campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(d) Any not-for-profit federation or charitable organization whose services are rendered exclusively or in substantial preponderance overseas, and that meets all the criteria set forth in these rules, except for the requirement of local presence, and is approved by the CFD committee, shall be eligible to be a participating federation or participating organization.

(9) Overseas—Areas outside of the District of Columbia and the fifty states of the United States of America.

(10) State employer—Washington state agencies and higher education institutions.

[Statutory Authority: RCW 41.06.150, 04-11-045, amended and recodified as § 356-60-020, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-030, filed 8/21/02, effective 9/30/02.]

WAC 356-60-030 Combined Fund Drive committee established. (1) In accordance with RCW 41.04.033 through RCW 41.04.039 and RCW 41.04.230 and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to not-for-profit organizations engaged in charitable, public health, public welfare and social services, environmental or arts purposes.

(2) The committee shall be known as the Washington state combined fund drive committee and referred to in these rules as the CFD committee.

(3) The CFD committee shall be composed of not more than twelve members appointed by the governor for three year terms. Appointments shall be consistent with Executive Order 01-01.

(4) The CFD committee shall have the following responsibilities:

(a) Meet to conduct necessary business, elect a chairperson annually, and elect such other officers as may be needed. Fifty percent of the appointed members shall constitute a quorum for the conduct of business. A majority vote of the quorum will be needed to carry a motion.

(b) Organize and effect one solicitation effort for charitable donations each year.

(c) Establish standards and criteria for participation in the fund drive. The standards and criteria will be incorporated into the application printed and distributed by the CFD. The application will be completed and submitted by those not-for-profit organizations and federations seeking approval to participate in the CFD campaign. Changes in the standards and criteria shall be made only after 60 days notice is given.

(d) Evaluate each application, based on its standards and criteria, and determine which not-for-profit organizations or federations are approved to participate in the annual CFD campaign.

(e) Establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign. An organizational chart is available from the CFD Committee through the Department of Personnel, P.O. Box 47500, Olympia WA 98504-7500.

(f) Determine and recover its reasonable administrative expenses to conduct the CFD campaign.

(g) Develop the official CFD campaign and publicity materials. The CFD committee may contract for marketing services to develop the CFD campaign material in a manner that is consistent with RCW 41.04.0332.

(h) Establish a procedure for CFD staff to collect, process and deposit individual employee contributions during the annual fundraising. Contributions from fundraising efforts shall be deposited into the CFD account in the custody of the state Treasurer according to state laws.

(i) Engage a CFD program manager to exercise general supervision over all operations of the CFD and strive to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers. The CFD program manager will forward all disputes to the CFD committee for resolution.

(5) Based on pledges received for an annual CFD campaign, when the annual net contribution for any participating organization or federation is estimated at two hundred fifty dollars or less, the CFD committee may direct the contributions be made in a lump sum at the end of the CFD campaign year to the recipient organization or federation.

(6) The CFD committee shall direct that payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in bankruptcy, or has been or is in the process of being dissolved, shall be returned to donors. If the CFD committee determines it is not feasible to return such funds to donors, it shall determine the appropriate disposition of the funds.

(7) Members of the CFD committee shall serve without additional salary, but shall be reimbursed by their state employers for travel, lodging and meals in accordance with state law and regulations. Public retirees, who qualify, will receive normal travel, lodging and meal expenses reimbursed or paid by CFD.

(8) The CFD committee may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD committee may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities shall not result in the direct commercial solicitation of state employees or in a benefit or advantage

that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

(9) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

(10) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

(11) The department of personnel shall provide the administrative support for the operation of the committee.

[Statutory Authority: RCW 41.06.150. 04-11-045, amended and recodified as § 356-60-030, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-010, filed 8/21/02, effective 9/30/02.]

WAC 356-60-032 Establishing a local CFD campaign. (1) Each state employer may establish local CFD campaign within the geographical area it covers.

(2) Each state employer and local county committee may develop promotional and fundraising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

(3) The annual CFD campaign begins on September 1 and ends on December 15. Each year the director of each state agency and president of each higher education institution may determine the time period of the CFD campaign within the September 1 to December 15 timeframe. Each annual CFD campaign normally is conducted for a seven-week period. However in unusual circumstances, the individual state employers may extend the seven week period as local conditions require. The CFD campaign shall not extend beyond December 15.

(4) Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

(5) State employers may grant permission to participating organizations and federations to distribute material related to the CFD campaign during work hours. During the CFD campaign, participating not-for-profit organizations may distribute or orally share bonafide educational materials describing their services or programs. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign. The local state employer may grant sharing of oral information by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution.

(6) This section shall not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

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(7) Solicitations of employees shall be conducted during duty hours using methods that permit true voluntary giving and shall reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other nonsolicitation events to build support for the CFD are encouraged.

(8) Special CFD fundraising events, such as drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted 30 days prior to and during the annual CFD campaign if approved, in advance, by the state employer.

(9) At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fundraising events on state work time.

[Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-032, filed 5/13/04, effective 5/13/04.]

WAC 356-60-034 CFD campaign expenses. (1) The CFD committee shall recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The CFD committee will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

(2) Fundraising expenses shall not be taken or deducted from donations collected during a fundraising event. These fundraising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

(3) The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

[Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-034, filed 5/13/04, effective 5/13/04.]

WAC 356-60-055 Determination of eligibility—Procedure for reconsideration. (1) Using the information supplied under this chapter and the standards and criteria set forth in the application form, the CFD committee will determine which not-for-profit organizations and federations are eligible to participate in annual CFD campaigns. If a not-for-profit organization or federation is determined not to be eligible, the CFD committee will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(2) The following process will be used for requests for reconsideration of noneligibility:

(a) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD committee. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD committee at the time the initial determination was made.

(b) Within thirty calendar days of receiving the request for reconsideration, the CFD committee will issue a written

decision. The CFD committee's reconsideration decision is final.

(c) The CFD committee may extend the time periods established in this section if it determines there is good cause to do so.

(d) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

[Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-055, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-055, filed 8/21/02, effective 9/30/02.]

WAC 356-60-057 Decertification and disqualification. (1) Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by majority vote of the CFD committee for one or more of the following reasons:

(a) Failing to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or

(c) Receiving an annual contribution pledge from an annual CFD campaign of two hundred fifty dollars or less.

(2) The CFD committee will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

(a) Decertification is effective on the first day of the following year's CFD campaign. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

(b) Payments of contributions to a decertified organization or federation will cease on the last day of the current year's CFD campaign. Payments received after that date, but originally pledged to an organization or federation that is decertified, shall be disbursed as directed by the CFD committee.

(3) Requests for reconsideration of a decertification decision shall be governed by the procedures set forth for reconsideration of eligibility in WAC 356-60-055.

[Statutory Authority: RCW 41.06.150. 04-11-045, § 356-60-057, filed 5/13/04, effective 5/13/04; 02-17-114, § 356-60-057, filed 8/21/02, effective 9/30/02.]